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COMMISSION ON HUMAN RIGHTS

Third special session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 24 May 1994, at 3 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

Statement by the Minister of Agriculture, Animal Husbandry and Forestry of Rwanda

Letter dated 9 May 1994 from the Permanent Representative of Canada to the United Nations Office at Geneva addressed to the High Commissioner for Human Rights (continued)

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The meeting was called to order at 3.35 p.m.

STATEMENT BY THE MINISTER OF AGRICULTURE, ANIMAL HUSBANDRY AND FORESTRY OF RWANDA

1. Mr. STRATON (Observer for Rwanda) said that his country was currently experiencing the worst tragedy in its history. That tragedy resulted from the unjustified war imposed on Rwanda by the Rwandese Patriotic Front (RPF) with the material, moral and political assistance of President Museveni of Uganda.

2. After the failure of its initial operations in October 1990, the RPF had begun infiltrations and surprise attacks leading to the massacre of civilians, particularly in the city of Ruhengeri in January 1991 and in Byumba and Ruhengeri prefectures in June 1992. Despite the cease-fire agreement of 12 July 1992, the RPF had resumed hostilities on 8 February 1993 and had engaged in selective massacres of about 150,000 innocent Hutu civilians. Even after the signing of the Arusha peace agreement on 4 August 1993, the RPF had continued its massacres, the most spectacular being those in the sub-prefecture of Kirambo (Ruhengeri), where 50 people had been tortured to death in the night of 17 November 1993, and in the communes of Mutara (Gisenyi) and Taba (Gitarama), as well as in Bugesera and Cyohoha-Rukeli, where 58 people, including 23 schoolchildren, had suffered the same fate.

3. The assassination of the Presidents of Rwanda and Burundi, together with their entourage, in the night of 6 April 1994, followed shortly afterwards by an RPF attack on the camp of the presidential guard, had been the last straw. Unable to contain themselves, some Rwandese army personnel had attacked the presumed high-level accomplices of the RPF, including Mrs. Uwilingiyimana, the then Prime Minister, and three members of her Government.

4. What had really fanned the flames, however, was the unilateral resumption of hostilities by the rebels, which revealed their true face, as RPF combatants engaged in systematic massacres of the Hutu ethnic group, in particular using the identity card that had once been a symbol for what they termed racial segregation in Rwanda. In areas controlled by the RPF, thousands of people had been savagely massacred and buried in mass graves prepared well before the start of the hostilities - further evidence of the RPF's bad faith observed throughout the efforts to implement the Arusha peace agreement. Worse still, where there had not been enough mass graves, President Museveni had called in bulldozers to bury the thousands of people massacred by the RPF. Those operations had been carried out hastily, for fear that humanitarian agencies visiting the area might witness the genocide.

5. It would be clear, therefore, that responsibility for the massacres, both before and after the killing of the Rwandese head of State, rested with the originators of the war unjustly imposed on the Rwandese people, and also with President Museveni of Uganda, who was unconditionally supporting the RPF in its fight to gain power.

6. Peaceful coexistence between the two main ethnic groups in Rwanda had been real and effective only under the regime of President Habyarimana, and had been regularly threatened under the First Republic by armed incursions of Rwandese refugees as part of a widespread terrorist campaign to overthrow the

republican regime by force. The Hutu had for centuries been dominated and treated as slaves, under a feudal and monarchical regime by the Tutsi and had been brainwashed into thinking that the Tutsi were innately superior. That regime had been rejected by the great majority of the Rwandese people in the social revolution of 1959, following which some Tutsi dignitaries had decided to go into exile abroad, later choosing the path of terrorism instead of responding to invitations to return from exile.

7. Since the RPF attack of 1 October 1990, the Rwandese Government had been making political and diplomatic efforts to put an end to the conflict, but the Arusha peace process had been hampered by party in-fighting and the RPF had taken advantage of the presence of its battalion of 600 men in the capital, nominally assigned to protect its officials and members of the transition institutions, and of the complicity of certain members of the United Nations Assistance Mission to Rwanda (UNAMIR), to make numerous infiltrations into Kigali and store arms and munitions in the Parliament building, which had served as their headquarters. It was perhaps not unworthy of note that, one week after the assassination of the Presidents of Rwanda and Burundi, the RPF had evacuated all its officials from Kigali to its base at Mulindi.

8. The death of President Habyarimana had shocked the Rwandese population and enraged some army personnel, who had reacted spontaneously by attacking certain leading figures suspected of involvement in the assassination. That was the background against which some killings had taken place, especially in Kigali, where the former Prime Minister, Mrs. Uwilingiyimana, had died. At the same time, on 7 April 1994, RPF elements had attacked the camp of the presidential guard and other parts of the capital, in violation of the Arusha peace agreement. Driven back by the Rwandese armed forces, they had moved into several districts of Kigali, engaging in systematic massacres of the civilian population. The RPF had also resumed hostilities on the northern front, jeopardizing the security situation in the rest of the country, where the civil war had spread, causing major loss of life.

9. It was in that context that Dr. Théodore Sindi-Kubwabo, the interim President, had appointed a new Prime Minister, Mr. Jean Kambanda, in April 1994 with the tasks of ensuring effective management of State affairs, emphasizing order and safety; continuing discussions with the RPF with a view to setting up transitional institutions; and taking vigorous measures to deal with the food shortage and provide relief to the stricken populations in certain prefectures and to persons displaced by the war.

10. Unfortunately, the RPF had not responded positively to the Government's offer of a dialogue and had intensified its guerrilla warfare against the Rwandese armed forces' positions and continued to exterminate innocent civilians in the capital. At the same time, it had embarked on a campaign of defamation against the Rwandese Government, asserting that it had been self-proclaimed in violation of the Arusha peace agreement.

11. The Government of the Rwandese Republic had always endeavoured to ensure respect for human rights in Rwanda and, if it had experienced difficulties in containing the violence, that was not for lack of good faith but because of the actions of the RPF, whose primary objective was to take power in Kigali by force. The Commission should condemn the RPF's bellicose attitude and call on

it once again to lay down its arms. The Government was, however, pleased to state that calm had been restored in the areas under the control of the Rwandese armed forces.

12. The Government was perfectly aware that massive human rights violations had been committed since the resumption of hostilities by the RPF on 7 April 1994. However, it appealed to the international community and the Commission to interpret the subsequent bloody events in Rwanda correctly and objectively. It requested the international community to bring pressure to bear on the parties to the conflict to conclude a cease-fire agreement and take all the necessary steps for a definitive cessation of the hostilities. It also reaffirmed its willingness to negotiate the conditions for implementation of the Arusha peace agreement, as the only legal framework capable of restoring peace and stability to the country. In addition, it reiterated its firm commitment to cooperate with the Commission to prevent any act that might violate the physical or moral integrity of the human person. Lastly, it was agreeable to an impartial and independent inquiry being conducted in order to identify and bring before the competent Rwandese courts those responsible for the killing of the head of State and the massacres which had been perpetrated throughout the country.

LETTER DATED 9 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF CANADA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/S-3/2 and 3; E/CN.4/1994/7/Add.1)

13. Mr. BISLEY (Observer for New Zealand) said that his country was appalled at the reported death toll in Rwanda and urged the Commission to use the special session to support Mr. Ayala Lasso, United Nations High Commissioner for Human Rights, in his efforts to gain respect for basic human rights principles. Evidence that much of the slaughter had occurred in areas under the control of the interim Government's armed forces was of particular concern, and there were disturbing signs of a systematic plan to kill off members of a particular ethnic group within the country. That constituted genocide and was a crime punishable under international law.

14. New Zealand supported Security Council resolution 918 (1994), but felt that it stopped short of what was really necessary and that a second phase of deployment of an expanded UNAMIR should be undertaken as soon as possible. His delegation endorsed the proposal to appoint a special rapporteur to investigate the human rights situation in Rwanda and report to the Commission within four weeks. The special rapporteur could be assisted by the Commission through its thematic rapporteurs and working groups, and also by a team of human rights officers, as part of a concerted United Nations effort to deal with various aspects of the situation.

15. While the Commission's primary concern had to be the violations occurring on a daily basis, it was also important to collect evidence of abuses which might constitute international crimes, in order that the perpetrators of atrocities could be brought to justice in accordance with international law. In that context, the time had come for the appropriate United Nations bodies to give urgent consideration to the establishment of mechanisms for the prosecution of persons responsible for grave human rights abuses of the kind witnessed in Rwanda in recent weeks.

16. Lastly, his delegation wished to acknowledge the efforts of the countries which bordered Rwanda to encourage the parties to the conflict to negotiate a political settlement and re-establish a cease-fire. Together with humanitarian organizations, those countries had struggled to cope with the outflow of refugees from Rwanda, and their contribution was highly valued. It was essential for the Commission to join with those already contributing in different ways to mitigating the crisis and preventing further human rights abuses.

17. Mr. SABOIA (Brazil) said that immediate and effective United Nations action was needed to address the human rights tragedy in Rwanda in all its aspects. His country had participated in the adoption of Security Council resolution 918 (1994), which strengthened UNAMIR and expanded its mandate to provide security for civilians and humanitarian operations, and believed that a lasting solution to the crisis could be found only in a political settlement based on the Arusha peace agreement. It therefore supported the efforts being made to that end by all relevant parties, especially by those of the region itself, notably the Organization of African Unity (OAU).

18. Ethnic conflict and political violence had been recurrent in Rwanda during colonial times and since independence, and the tragedy could not be said to be totally unexpected, particularly in the absence of institutions capable of promoting and protecting human rights. The international community must condemn the massive violations of human rights in Rwanda in the strongest terms and ensure that the facts were investigated and that those responsible were brought to account. The Commission must also establish appropriate monitoring mechanisms and appoint a special rapporteur, who should be given all necessary support by other human rights mechanisms and procedures. Institution-building and strengthening of the rule of law, through a wide-ranging programme of technical cooperation and financial assistance, were also essential to avoid a repetition of the tragedy.

19. In conclusion, he expressed appreciation for the initiatives of Mr. Ayala Lasso and for his report on the situation in Rwanda (E/CN.4/S-3/3). Action regarding that situation must continue to benefit from the High Commissioner's leadership and coordination.

20. Mr. BROTODININGRAT (Indonesia) said that the human rights situation in Rwanda warranted emergency attention from the international community and justified the convening of a special session of the Commission, which should support the Security Council's recent call for the cessation of hostilities and an immediate end to the violence and killings.

21. His delegation hoped that the Security Council's decision to expand the mandate of UNAMIR and to deploy some 5,500 peace-keeping troops in Rwanda would be implemented as soon as possible. It also commended the establishment of the United Nations Rwanda Emergency Office (UNREO), an initiative which deserved support from the donor community, and felt that it would be most appropriate for the Commission to echo an appeal for such support.

22. The Commission might consider requesting the United Nations High Commissioner for Human Rights to take effective measures to ensure the protection of refugees and internally displaced persons, as well as of

minorities. His delegation was open to the idea of appointing a special rapporteur on Rwanda or instructing the relevant thematic rapporteurs or working groups - apparently accepted by all parties concerned - to monitor and analyse the situation and to submit their recommendations through the High Commissioner as a matter of urgency. But perhaps the most important, albeit painful, lesson to be drawn from the situation in Rwanda related to the need not only for an early warning system but for preventive measures to deal with the root causes of potential human tragedies such as the one currently being addressed by the Commission.

23. His delegation pledged its full support and cooperation to the Commission in his efforts to discharge its difficult tasks.

24. Mr. DEMBINSKI (Poland) said that words were inadequate to describe the tragic sufferings of the people of Rwanda and to condemn those responsible for that tragedy. Nevertheless, his delegation wished to express its solidarity with the victims and their families and with the neighbouring nations.

25. His delegation endorsed the recommendations contained in the report of the United Nations High Commissioner for Human Rights (E/CN.4/S.3/3) and the High Commissioner's statement at the previous meeting. It also welcomed the in-depth report (E/CN.4/1994/7/Add.1) submitted by Mr. Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions.

26. It was not easy to say what the Commission could do in the present circumstances. However as the central intergovernmental human rights body of the United Nations, it was obliged to voice the opinion of the international community and to take adequate measures. They should include ensuring access to information and making an objective and continuous evaluation of the situation in Rwanda, an aim which could best be achieved by the appointment of a special rapporteur. The special rapporteur should be requested to report to the Commission rapidly and subsequently to disseminate periodic information to follow up the situation from the human rights angle. However, he should not be alone in his efforts, and it was vital to ensure concerted action by various special procedures of the Commission, as well as to deploy United Nations field officers to provide continuous monitoring of that situation.

27. The world was repeatedly confronted with death and suffering on a massive scale. All those responsible for such violations of human rights and of international humanitarian law had to be made aware, in the resolution to be adopted by the Commission, of the international community's determination to bring them to justice and not permit any form of impunity.

28. His delegation greatly appreciated the prompt action taken in Rwanda by the office of the United Nations High Commissioner for Refugees (UNHCR), the international Committee of the Red Cross (ICRC) and other organizations. It was a matter of absolute priority to guarantee free access to those bringing humanitarian relief to persons in need, and the Commission should call on all the parties to do so.

29. In accordance with the Vienna Declaration and Programme of Action, his delegation expected to see a human rights component in all United Nations

actions in regard to Rwanda, and he drew attention to the importance of an efficient flow of information concerning the situation there. In particular, the reports of the special rapporteur should be made available to all United Nations agencies and organs, including the Security Council. The human rights component should also be included in the future peace agreement. A humane solution in Rwanda required much more than a cease-fire between armed groups, which was only a first step, albeit an important one. To solve the humanitarian problems faced by the hundreds of thousands of victims of human rights violations, any peaceful settlement to the conflict should establish a stable framework for the restoration of human rights. In that regard, his delegation welcomed the announcement by the United Nations High Commissioner for Human Rights of the establishment of a programme for Rwanda within the technical assistance and advisory services scheme implemented by the Centre for Human Rights.

30. Mr. ENDO (Japan) said his delegation was alarmed over the killing of so many innocent civilians in Rwanda and sincerely hoped that the Commission, as the principal United Nations body for the promotion and protection of human rights, would successfully coordinate the international action needed to end the massive violations of human rights taking place there.

31. Japan hoped that the parties to the conflict would agree to a cessation of hostilities and begin peace talks on the basis of the Arusha peace agreement with a view to taking the necessary steps to build a nation based on democracy, respect for human rights and reconciliation among the different ethnic or political groups. In the meantime, it was essential for all parties to observe the international human rights instruments and for those responsible for human rights violations to be condemned.

32. The Government of Japan welcomed the prompt and effective reaction of the United Nations High Commissioner for Human Rights to the crisis and his successful visit to Rwanda and Burundi. Japan was greatly impressed by the High Commissioner's accomplishments in his first major mission and in particular by his detailed report on the situation (E/CN.4/S-3/3), which would serve as an excellent guide to solving problems.

33. Japan was also convinced of the need for a system-wide approach to the issue, and hoped that the High Commissioner would continue to consult closely with the Secretary-General and to play a major role in that coordination.

34. In addition to the appalling massacres and human rights violations, the situation in Rwanda had led to a major humanitarian crisis by creating huge numbers of internally displaced persons and refugees. Japan appreciated the efforts of Rwanda's neighbours to assist the refugees and urged the international community to provide protection and immediate aid for those in need. It welcomed the activities of the international humanitarian organizations and was currently giving consideration to contributions to them.

35. It was essential the special session be followed up by the appointment of a special rapporteur to investigate the human rights situation in Rwanda, with the full cooperation of all parties concerned. In addition, the Commission should explore the possibility of establishing a United Nations human rights presence in the region.

36. Mr. KOLOSOVSKY (Russian Federation) said that the reports of mass killings and grave suffering in Rwanda were appalling. Decisive action was needed by the international community to end the fighting and prevent a repetition of the tragedy.

37. The Russian Federation had appealed to the belligerents to stop the senseless bloodshed and return to the negotiating table, and had requested the United Republic of Tanzania, Uganda and Zaire to contribute to that end. It had also co-sponsored Security Council resolution 918 (1994) in the hope of stopping the bloodshed and improving the situation of refugees and displaced persons. In that connection, he wished to commend the heroic efforts of the international humanitarian organizations and to emphasize that the principle of unimpeded access by the needy to humanitarian aid and the safety of aid workers must be unconditionally observed.

38. The international community was again witnessing how bloody conflicts grew out of intolerance, lack of respect for human rights and freedoms, and disregard of the interests of minorities. Russia strongly condemned the gross violations of international humanitarian law and the crimes against the civilian population and representatives of international organizations. The Commission must contribute to the success of efforts towards reconciliation and agreement, on the basis of the Arusha accords, and send a clear signal that all those responsible for flagrant violations of humanitarian law would inevitably have to bear responsibility for their deeds.

39. The timely and bold initiative of the United Nations High Commissioner for Human Rights deserved the highest praise. In contact with the organs of the United Nations and OAU, Rwanda's neighbour countries and other States, he should continue his efforts, possibly acting as an intermediary, to restore respect for human rights in Rwanda. It would also be useful to designate a special rapporteur and a fact-finding team. However, that should lead to more than a simple cataloguing of crimes unaccompanied by suggestions for long-term solutions. Indeed, the Commission should be encouraged to draw more general conclusions from the Rwanda tragedy, concerning the effectiveness of its actions and the strengthening of its preventive functions, and regarding the need to take fuller account of human rights issues in efforts towards the political settlement of conflicts.

40. Mr. GARRETON (Chile) said that the human rights violations and crimes committed in Rwanda, whether by agents of the State or others, required coordinated action on the part of the United Nations, for which the Commission could furnish moral support, provided that the resolutions adopted at its special sessions made an effective contribution to alleviating the sufferings of thousands of human beings. Regrettably, that had not been the case with the proposals and recommendations adopted at the previous special session on the former Yugoslavia.

41. It was encouraging that the United Nations High Commissioner for Human Rights had visited the scene of the conflict in order to incorporate the human rights element into the overall political solutions that would restore ethnic, social and political co-existence. His action, founded on his moral

responsibility and on General Assembly resolution 48/141, had strengthened the bond between the United Nations and Africa, which had, perhaps for good reason, felt neglected by the Organization.

42. His delegation attached great importance to the coordinating role of the High Commissioner, who should receive unconditional cooperation from Governments and from society at large in order to promote and ensure universal respect for human rights and fundamental freedoms.

43. His delegation expressed its firm support for the High Commissioner's recent mission to Rwanda, which had been his first major task, and welcomed the excellent report he had submitted to the Commission (E/CN.4/S-3/3), which gave a clear description of the major human rights tragedy in Rwanda. His delegation also appreciated the valuable role played by other intergovernmental organizations, in particular UNHCR and ICRC, and by the non-governmental organizations (NGOs), which were once again marshalling international action to restore peace, sanity and co-existence.

44. In response to the deep-rooted, multifaceted conflict in Rwanda, it was necessary to focus on bringing an immediate end to the killing of civilians and gradually to consolidate the foundations of peace, co-existence and reconciliation on which a stable and lasting solution would be built. However, a lasting solution required a comprehensive and complex response. The crisis in Rwanda would not be ended merely by a truce. The unchecked armed confrontation was the result of cultural, economic and political factors that necessitated comprehensive action through social development, technical cooperation and international assistance.

45. Once the worst of the crisis was over, it would be necessary to launch a vast programme of human rights advisory services and international cooperation for the benefit not only of Rwanda, but also of its neighbours, for only a coordinated international effort was capable of laying down firm foundations, based on democracy and development, on which to build inter-ethnic co-existence.

46. In practical terms, his delegation believed that a special rapporteur should be appointed with the principal task of formulating recommendations to restore the rule of law in Rwanda and determining responsibility for the human rights violations and breaches of international law committed there. The special rapporteur should receive every support from the various other special rapporteurs and working groups. Moreover, the United Nations High Commissioner for Human Rights should continue to monitor the situation in Rwanda and neighbouring countries, and the presence of observers from the Centre for Human Rights, whose effectiveness had already been demonstrated, should contribute to the reconstruction of society and of State institutions to ensure the enjoyment of civil, political, economic, social and cultural rights. Furthermore, international assistance should contribute to strengthening technical assistance programmes aimed at prevention, and the experience under way in Burundi should be enhanced. The human rights component should also be incorporated in the network of inter-agency coordination in the region.

47. His delegation earnestly hoped that the decisions and measures to be taken by the Commission would contribute effectively to overcoming the crisis that had led to the convening of the special session and that those who placed their hopes in the Commission would not be disappointed.

48. Mr. JIN Yongjian (China) expressed appreciation for the efforts of the United Nations High Commissioner for Human Rights to put an end to the armed conflict and human rights violations in Rwanda.

49. Since the signing of the Arusha peace agreement in August 1993 there had been some positive developments in Rwanda, but, unfortunately, the situation had worsened after the death of the Presidents of Rwanda and Burundi. Civil war had plunged the whole of Rwanda into an abyss of misery and caused huge refugee flows into neighbouring countries. His delegation was greatly concerned by those developments.

50. The international community had not forgotten the sufferings of the people of Rwanda, and the United Nations, the OAU and Rwanda's neighbours had made numerous attempts to bring about a cease-fire through negotiation and the implementation of the Arusha peace agreement. By resolution 918 (1994), the Security Council had agreed to expand the mandate of UNAMIR and to increase its personnel with a view to enhancing security and alleviating the suffering of Rwanda's people.

51. His delegation hoped that the current special session would enable greater attention to be focused on the situation in Rwanda and prevent it from deteriorating further, as well as contributing to a political settlement of the problem in order to allow peace to be restored. To that end, his delegation believed that the two warring parties in Rwanda should strictly observe international human rights instruments and the Geneva Conventions and put an end to the indiscriminate killing of civilians. They should take concerted action in conjunction with the international community to ensure the smooth delivery of humanitarian assistance and the safety of refugees, and agree forthwith on an effective and lasting cease-fire so as to establish conditions for the settlement of the conflict by negotiation and commit themselves to resuming the peace process initiated by the Arusha peace agreement.

52. His delegation favoured appropriate action on the human rights situation in Rwanda and appreciated the efforts of the African countries in that respect. However, he reiterated his delegation's view that the Charter of the United Nations contained explicit provisions regarding the mandates of the Security Council, the General Assembly and the Economic and Social Council. Any action taken by the Commission should not go beyond its mandate, and his delegation, in accordance with its consistent position, was not in favour of linking the work of the Commission with that of the Security Council.

53. Mr. NGOUBEYOU (Cameroon) endorsed the statement made at the previous meeting by the representative of Zambia, in his capacity as Chairman of the African Group, as well as the opinions expressed in the message from the Secretary-General of the OAU.

54. His delegation could conceal neither its shock at the barbaric acts occurring in Rwanda nor its indignation at the international community's procrastination in response to the violence. It would be inappropriate to seek to lay responsibility for those acts elsewhere than on the communities living in Rwanda, whose political composition, which dated from the colonial period, made such excesses foreseeable. His delegation paid tribute to the thousands of victims who had been massacred solely for their ethnic identity or political allegiance, and expressed the hope that their sacrifice would permit the rebirth of that troubled region, less burdened by prejudice and hatred and graced with a stronger feeling of brotherhood.

55. The international community had been stunned by the indiscriminate massacres perpetrated after the accidental deaths of the heads of State of Rwanda and Burundi, which were in part attributable to the hesitancy of the United Nations at the peak of the crisis. Nevertheless, his delegation strongly condemned the abduction and execution of members of the United Nations peace-keeping forces and the physical attacks on NGO personnel operating in Rwanda.

56. The United Nations' decision to send a further 5,500 peace-keeping troops to help restore normal life in Rwanda was an indication of its determination to play its proper role when peace was under threat. The Commission's special session should send a signal to the warring parties in Rwanda of its determination to ensure observance of the universally recognized standards of humanitarian law by whatever means it deemed appropriate. The United Nations would not tolerate any attacks on the life of those who served it.

57. It should not be forgotten that the situation in Rwanda was also a threat to the region as a whole. In solving the problem in Rwanda, it was also necessary to seek ways and means of averting similar tragedies elsewhere. To that end, his delegation supported the suggestions made by the United Nations High Commissioner for Human Rights in his report (E/CN.4/S-3/3), and in particular the recommendations that those who had committed violations or ordered them should be held personally responsible, and that a special rapporteur on Rwanda should be appointed. He commended the High Commissioner for his bold decision to visit Rwanda in the present circumstances, congratulated the Assistant Secretary-General for Human Rights for having diligently prepared the special session of the Commission, and expressed gratitude to the Special Representative of the United Nations Secretary-General in Rwanda who had remained at his post in Kigali.

58. Cameroon and Rwanda shared a common destiny, and both were members of the Economic Community of Central African States, which was supporting the international community's efforts to define a suitable framework for negotiations on Rwanda.

59. The tragedy in Rwanda had led to a resurgence of the legitimate fear generated by the conflicts in Liberia, Somalia and elsewhere in Africa. It was paradoxical to observe the virtually peaceful transition towards democracy under way in South Africa, when other countries had such difficulty in overcoming their tribal antagonisms. The current crisis in Rwanda was not just another ethnic and political conflict. It posed a threat to Rwanda's neighbours and it was perhaps time to examine the harm done by enforced

transitions to democracy in fostering the disintegration of small nation States. Accordingly, the international community should show greater imagination in seeking means of averting a repetition of the crisis in Rwanda in neighbouring countries or in other regions of the world. His delegation would support any concerted effort to put an end to the tragedy in Rwanda.

60. Mr. LONTAI (Hungary) said that the Hungarian people shared the anguish and despair of the civilized world at the events in Rwanda, which it resolutely condemned. No political combat or historical grievances could justify irremediable suffering among the innocent civilian population, and for that reason his Government had strongly supported the convening of the special session. His Government appreciated the efforts of various United Nations bodies and of NGOs to identify the causes of the conflict and to bring it to an end, and particularly commended Mr. Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions, on his report (E/CN.4/1994/7/Add.1), which provided a thorough analysis of the roots of the conflict and put forward well-founded recommendations. It also appreciated the sense of initiative and courage of the United Nations High Commissioner for Human Rights.

61. His delegation would lend its support to a resolution that adequately addressed the problems in Rwanda. He emphasized the importance of appointing a special rapporteur and organizing on-the-spot monitoring. His delegation also endorsed the measures proposed with regard to the responsibility of the perpetrators of violations.

62. He drew attention to the fundamental importance of ethnic rivalry and the violation of the human rights of minorities in numerous conflicts that commanded the Commission's attention, as exemplified by the situation in the former Yugoslavia and the current conflict in Rwanda. More effective measures were necessary to ensure international protection for minorities, and preventive measures, to which his Government had already drawn attention in respect of the former Yugoslavia, were of fundamental importance. The task of the international community, and of the Commission, was not merely to put an end to the massacre in Rwanda, but to ensure that it did not spread.

63. Mr. DOBREV (Bulgaria) said that the Bulgarian people had learned with dismay and horror of the massacres perpetrated in Rwanda. He expressed his delegation's gratitude to the United Nations High Commissioner for Human Rights for his response to that disaster and to the Government of Canada for proposing the convening of the special session of the Commission.

64. An ethnic conflict of such magnitude could not remain unchecked without setting a very dangerous precedent for the region. Effective international action to avert any further escalation was urgently needed. In particular, all those who had perpetrated and instigated the human rights violations should be held personally responsible for their acts, which constituted international crimes and even genocide. His delegation supported the proposal to appoint a special rapporteur on Rwanda and believed that, in view of the extreme polarization of Rwandese society, the only way of ensuring due process was to establish an ad hoc international tribunal. The international community had a duty to declare illegal the consequences of the ethnically motivated hostilities. Moreover, the United Nations' efforts to put an end to

the ethnic conflict should necessarily comprise a human rights component, and his delegation endorsed the proposals made in that regard by the High Commissioner. Lastly, he said that no peace was durable unless it was based on an agreement that took into account the legitimate rights and interests of all parties concerned. The Arusha peace agreement of 4 August 1993 constituted the basis for a peaceful settlement to that brutal conflict, which would require considerable effort and patience, and to which the advisory services of the Centre for Human Rights could make a valuable contribution.

65. Mr. CURE (Mauritius) said that the special session of the Commission, which reflected the international community's feelings of guilt and shame at its impotence, faced a twofold task: first of all, to draw clear conclusions from that failure to act and, secondly, to adopt tangible solutions concomitant with the moral responsibility of the Commission, which was the supreme authority for their protection. Among the questions that the Commission must address were how the tragedy in Rwanda could have occurred so shortly after the conclusion of its fiftieth session and without the human rights machinery and institutions being able to do anything to prevent so blatant a violation of the right to life itself, despite the warning issued by the Special Rapporteur on Rwanda, Mr. Ndiaye, and why the Commission had decided to maintain the confidential procedure when the situation had already been so precarious. Those questions required an answer in order to avoid other humanitarian catastrophes. Although not strictly within the Commission's brief, it was also necessary to investigate the impact of clandestine arms supplies on the virulence of the conflict. The presence of armed militias had undoubtedly further destabilized an already highly complex situation and greatly complicated the brave efforts of ICRC and UNHCR.

66. It was unfortunate that the institutions established to protect human rights should suffer such a setback at the very time they were developing more effective procedures and means of intervention. It was doubly important for the Commission to draw conclusions from that failure and to adopt specific and bold measures permitting more decisive preventive action in the future. In particular, the special session should propose that priority should be given to the dispatch of large-scale emergency humanitarian assistance and support the efforts of the Security Council to put an end to the massacres and restore law and order. It should also foster efforts at national reconciliation and rehabilitation, inter alia within the framework of the OAU, and propose the preparation of an emergency plan to assist refugees and set up a system of monitoring and protection. Moreover, a special rapporteur should be appointed to investigate the causes of the conflict and the human rights violations in Rwanda and an official procedure instituted to consider the conclusions of that inquiry and establish the facts in order for the international community to punish those responsible. Any domestic inquiry would not have the same exemplary force and might even rekindle tension. It was by such tangible measures that the Commission and the international community as a whole could redeem themselves and restore respect and confidence in human rights standards and institutions.

67. Mr. ENNACEUR (Tunisia) endorsed the statement made at the previous meeting by the representative of Zambia in his capacity as Chairman of the African Group. Tunisia, which had been one of the first States members of the

Commission to support the convening of the special session, had done so because it shared the international community's concern at the human tragedy ravaging the people of Rwanda. The Commission had to consider what it could do to remedy the tragedy and avoid its repetition. In that regard, he paid tribute to the United Nations High Commissioner for Human Rights for his courageous initiative and his valuable report (E/CN.4/S-3/3), together with his pertinent proposals.

68. The horror of events in Rwanda was sufficiently documented to justify the indignation and condemnation of the international community. Beyond that indignation, the Commission's attention should focus on the fact that those massive violations of human rights had been organized principally by the warring parties and essentially perpetrated against civilian populations selected on the basis of their ethnic identity. Such acts could surely be described as genocide, and it was the Commission's duty to provide a legal categorization of the crimes committed in Rwanda, to establish the facts and subsequently to bring those responsible before an appropriate court to incur the punishment they deserved. Such were the issues that had to be addressed by the Commission, as international public opinion expected not merely expressions of indignation and compassion, but tangible measures that would reinforce the credibility of the international community in ensuring effective protection for human rights. In that regard, his delegation welcomed the adoption of Security Council resolution 918 (1994) and expressed the hope that its provisions, in particular that relating to an expansion of the UNAMIR force to strengthen the United Nations mission on the spot, would rapidly be implemented. His delegation had also taken note of the encouragement given in that resolution to the continuation of efforts, in coordination with the OAU, to put an end to the conflict.

69. Beyond the measures which the Commission was duty-bound to adopt or, as appropriate, to suggest to the Security Council, the special session should be the starting-point for a searching review of ways of preventing the conflict from spreading to neighbouring regions and of averting its repetition elsewhere. Despite the range of international conventions and machinery for protecting civilians during armed conflict, the issue was still one of grave concern for the international community, all the more so as domestic armed conflict was increasingly inspired by ethnic considerations. The Commission should consider the issue in depth and propose such amendments as were necessary to the existing conventions and procedures, in order to ensure universal and effective protection of human rights under all circumstances.

70. He expressed the hope that the Commission would adopt measures which would contribute effectively to achieving a lasting solution to the crisis in Rwanda, and reiterated his gratitude and encouragement to Rwanda's African neighbours, which continued to accept refugees in their territory despite their economic difficulties and the serious environmental consequences of that influx. He urged the international community to provide adequate funding and assistance to Rwanda and to its neighbours which had taken in Rwandese refugees.

71. Mr. STROHAL (Austria) said that the massacres in Rwanda were a humanitarian catastrophe and a human rights emergency. They went beyond manifestations of civil war to raise the question of genocide, a question to

which the international community would have to find an answer. Urgent action was needed, as the United Nations High Commissioner for Human Rights had so forcefully stated at the outset of the special session.

72. Austria was impressed by the High Commissioner's courageous initiative in visiting Rwanda, and it fully agreed with the conclusions and recommendations contained in his report (E/CN.4/S-3/3). It was now for the international community, as represented in the Commission, to take urgent action to deal with the human rights tragedy in Rwanda, which was similar to the one that had led to the Commission's first two special sessions, namely the situation in the former Yugoslavia.

73. In line with the High Commissioner's conclusions, his delegation recommended that certain main tasks should be undertaken on an emergency basis.

74. Firstly, everything had to be done to stop the killings. The deployment of United Nations troops, in accordance with Security Council resolution 918 (1994), should contribute to that over-riding objective. Its realization, however, lay in the first instance with the parties themselves, in particular the Rwandese armed forces, the presidential guard and the militias close to the interim Government.

75. Secondly, responsibility for the atrocities had to be clearly determined, as reports indicated that they had been premeditated. The Commission should stress that all persons perpetrating or authorizing grave human rights violations should be brought to justice in accordance with international principles. In that context, an examination of the possibility that the crime of genocide had been committed was particularly important.

76. Thirdly, the Commission should appoint a special rapporteur to report on all violations of human rights and present conclusions as rapidly as possible to the international community, including the Security Council. His reports, the first of which should be completed within a few weeks, should examine the violations, identify responsibilities, and indicate why such horrors had been possible, what their underlying causes had been and how further atrocities could be prevented. Mr. Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions, had already attempted such an analysis in his recent report (E/CN.4/1994/7/Add.1), the full significance of which might not have been apparent at the time.

77. The special rapporteur would need comprehensive support: in addition to the relevant thematic mechanisms of the Commission, a field presence of the Centre for Human Rights would have to be urgently established, as the United Nations High Commissioner for Human Rights had suggested.

78. Besides protection, the huge numbers of refugees and displaced persons needed adequate assistance. He called on the interim Government to ensure the rights of all individuals and to cooperate with the international relief efforts, in which the ICRC and the NGOs played a major role.

79. The countries neighbouring on Rwanda, especially the United Republic of Tanzania and Burundi, needed urgent assistance from the international community. Austria was already participating in those efforts through its military observers in Rwanda. It fully supported the OAU's efforts to strengthen the involvement of the countries of the region. The creation of humanitarian zones should be urgently pursued by all concerned.

80. He wished to point out three further priorities in the tragedy in Rwanda. Firstly, all parties to the Arusha peace agreement should be brought to respect it and regional efforts in that regard should be encouraged. Secondly, in line with the High Commissioner's proposal on longer-term objectives, all future United Nations attempts at peace-building in the Rwanda area must be accompanied by a strong human rights component. Finally, such a component should contribute to strengthening international capacities to prevent human rights violations in Rwanda and elsewhere, including better early warning, confidence-building, strengthening of national human rights infrastructures and improvement of protection for minorities. He was confident that the Commission would take urgent action, within its area of competence, to complement the efforts of the Security Council.

81. Mr. CHANDRA (India) said that India's unhesitating support for the holding of the special session stemmed from its firm commitment to human rights, its sense of solidarity with the people of Rwanda and its feeling that the Commission was the appropriate forum to take up the human rights dimension of the situation in Rwanda.

82. That situation had assumed alarming proportions. The large-scale massacres and displacements of populations posed serious problems not only internally but for bordering States. The sufferings of hundreds of thousands of Rwandese required immediate and impartial humanitarian assistance, in which his Government was already participating. Further loss of life, especially of civilians, should not be allowed to occur, and at the same time measures needed to be taken with an eye to the future. The Security Council was dealing with the situation in Rwanda and had quite correctly addressed itself to the maintenance of peace and security.

83. The United Nations High Commissioner for Human Rights was to be commended on his report (E/CN.4/S-3/3), which contained several recommendations that warranted careful study, and on his exemplary courage and dedication in undertaking a mission to Rwanda in the most trying circumstances.

84. In performing its duties, the Commission should seek to preserve its specialized character. It was India's consistent position that the various United Nations bodies should restrict their deliberations and actions to their respective spheres of competence, as defined by the Charter.

85. The Indian delegation strongly supported the appointment of a special rapporteur on the situation of human rights in Rwanda, but it questioned the propriety of suggesting that his report should be made available to the Security Council before it was considered by the Commission and the General Assembly. That would set a precedent that would diminish the importance of the Commission and create a new mandate for the Security Council.

86. What the Commission needed to do was to address questions that would lead to the restoration of human rights in Rwanda. Individual responsibility and accountability for abuses were important. Such accountability lay with the people of Rwanda themselves, and individuals who had violated human rights should be brought to justice under the aegis of the national jurisdiction.

87. The question of deploying field officers, or human rights monitors, should be considered with care in each case, as it was a delicate step with far-reaching implications and success was predicated on consent. Once peace returned to Rwanda, advisory services and technical assistance should be provided on the basis of consent.

88. Mr. SAHLOUL (Sudan) expressed gratitude to the United Nations High Commissioner for Human Rights for his visit to Rwanda and his assessment of the situation, which proved that there had been a massive tragedy in which hundreds of thousands of civilians had lost their lives. It was imperative for the Security Council to move at last to bring order to a chaotic situation.

89. His delegation had not been enthusiastic about the convening of the current special session, considering that the most immediate need was forceful intervention by the international community rather than the investigation of root causes and establishment of guilt. Because of the absence of relevant judicial machinery and the competence of the national jurisdiction, the perpetrators of the massacres could not be brought to justice. The international community's wish to set up an international tribunal for that purpose had not been met, since the Secretary-General had not provided the necessary support for such a tribunal to begin its task with regard to the Bosnian conflict. The deployment of human rights personnel in Rwanda could not be undertaken without the express consent of the authorities, and their deployment in the adjoining countries would only complicate the problem and have a negative effect on relations between Rwanda and its neighbours. His delegation also believed that any investigation undertaken in the present circumstances would only complicate the political process, which was, as the representative of Finland had stated, a prerequisite for any sustainable improvement in the human rights and humanitarian situation of Rwanda.

90. The action undertaken by the High Commissioner had been useful in conveying the indignation of the international community to the warring parties. The thrust of the Commission's action should be to convince those parties that the international community's patience was wearing thin and that sterner measures would be sought if the ongoing massacre was not halted at once. The international community should also heed the Rwanda appeal issued by international organizations directly involved in the humanitarian operations.

91. In conclusion, his delegation believed that the actions of the Security Council and the Commission should be kept on separate and parallel tracks. Any confluence of the two organs would only heighten the political dimension that the Commission's deliberations had begun to acquire and dilute the very important moral and humanitarian aspects of its mandate and activities.

92. Mr. AZEEZ (Sri Lanka) expressed his delegation's appreciation to Canada for requesting the special session and to the members of OAU for conducting consultations in advance of the session.

93. Sri Lanka had been deeply shocked by the tragic developments that had recently engulfed Rwanda. The hundreds of thousands of innocent civilians estimated to have died in the previous six weeks and the massive numbers of internally displaced persons bore ample testimony to the magnitude of the disaster. Rwanda's neighbours should be commended for providing refuge to those fleeing the country, and the international community, humanitarian agencies and NGOs should be called upon to provide the assistance needed to prevent those Rwandese who had escaped death from falling prey to hunger and disease.

94. The documentation before the Commission provided credible information on the background to and the evolution of the situation in Rwanda. While expressing its solidarity with the victims of the tragedy, his delegation wished to remind the Commission that its deliberations should be confined to the human rights and humanitarian aspect of the situation. While the massacres, displacements, starvation and epidemics in Rwanda were all too well substantiated, the full extent of the drama would be understood only after a carefully planned, adequately resourced study was undertaken, and he hoped that the Commission would call for such a report to be submitted to a further special session.

95. Referring to Security Council resolution 918 (1994), he noted that the success of United Nations operations depended on the cooperation, or at least lack of hostility, of all parties to the conflict. The Commission would therefore do well not to endorse policies that would directly or indirectly serve to exacerbate the existing situation.

96. Although the political developments in Rwanda lay outside the Commission's mandate, failure to achieve a political settlement would simply lead to recurrent outbreaks of violence. The Commission should urge the parties to the conflict to direct their energies towards a lasting political solution. The solution to the problem should come from the Rwandese themselves and not be imposed by outside forces. The Arusha peace agreement testified to the willingness of the Rwandese to address all issues, and the parties to the conflict should be encouraged to rededicate themselves to the Arusha peace process.

97. Mr. GONZALEZ (Colombia) said that his country had enthusiastically supported the Canadian proposal to convene a special session of the Commission for three reasons: firstly, international public opinion must react to the genocide - for that was what it was - occurring in the country; secondly, the problem involved was one of flagrant violation of human rights; and, thirdly, the United Nations system must not be allowed to remain a dead letter.

98. The main purpose of the special session should be to restore peace between the parties to the conflict. To that end, potential solutions must take into account the African countries' point of view, as well as the

terrible burden on neighbouring countries created by the situation in Rwanda. Furthermore, the perpetrators of the crimes must not be allowed to go unpunished.

99. Colombia supported the appointment of a special rapporteur on the human rights situation in Rwanda. It commended the excellent work of the United Nations High Commissioner for Human Rights and called on the international community to increase humanitarian aid to Rwanda.

100. Mr. GUTIERREZ (Peru) said that the indiscriminate killing of civilians in Rwanda had reached alarming levels that required urgent international action. His Government supported efforts by the United Nations, and in particular by the Security Council, to reach a political solution to the conflict. It was now for the Commission to address the human rights aspect of the crisis. To that end, the useful report and recommendations of the United Nations High Commissioner for Human Rights indicated possible directions for the Commission to follow. However, the Commission should respect the political framework already established by other mechanisms. Any effort by the international community would be futile unless the parties themselves showed sufficient political will to lay the bases for a lasting solution to the problem.

101. In conclusion, he emphasized the importance of supporting the High Commissioner's efforts, and he trusted that the draft resolution being prepared would give appropriate importance to the central coordinating role that the High Commissioner should play.

102. Mr. FASEHUN (Nigeria) said that his delegation endorsed the statement made at the previous meeting by the representative of Zambia, speaking as Chairman of the African Group in Geneva.

103. The magnitude of the tragedy in Rwanda was reflected in the number of dead, estimated at 250,000 to 500,000. Another 300,000 persons had fled the country to seek refuge, mainly in the United Republic of Tanzania. Close to 2 million had been displaced. Nigeria condemned those massive violations in strong terms, as it also condemned those who manipulated ethnicity for the sake of political power.

104. The Commission must address issues which related to human rights and humanitarian law, and other appropriate United Nations organs must also be encouraged to perform their duties swiftly, speedily and without equivocation. The Commission's principal task was to reflect the international community's moral outrage at the carnage in Rwanda and to activate all mechanisms that would restore human rights in the country. The United Nations High Commissioner for Human Rights had recommended a series of measures to that end, which his delegation endorsed. In particular, it called on the Commission to appoint a special rapporteur to examine all human rights aspects of the situation. It also agreed with the High Commissioner that there should be a team of human rights field officers acting in close cooperation with UNAMIR and other United Nations organs to monitor the human rights situation in Rwanda.

105. It was urgent for the parties to the civil war in Rwanda to abide by a cease-fire under United Nations auspices, facilitate United Nations assistance

in their country and revive the Arusha peace agreement, which remained a viable peace plan. The leaders of Rwanda must agree to share power, to eschew violence in pursuit of political objectives and to transcend ethnic hatred. Finally, those who had ordered or engaged in the carnage should be held personally responsible for murder. The Commission must adopt a resolution sending a strong message that the international community would never again sit by while murderers killed their people on a mass scale under the cloak of State authority.

106. Mr. PINOARGOTE (Ecuador) expressed his delegation's appreciation for the visit made to Rwanda by the United Nations High Commissioner on Human Rights, and his report to the Commission (E/CN.4/S-3/3). It also endorsed the High Commissioner's suggestions regarding the appointment of a special rapporteur, the need for a comprehensive programme of human rights assistance, the determination of responsibilities and the adoption of measures to put an end to the genocide. At a time when human rights violations were escalating throughout the world, the question of punishment for those crimes was a historic duty that the Commission could not shirk.

107. Mr. NASSERI (Islamic Republic of Iran) said it was ironic that, with the frustrating bipolar rivalries of the cold war over, the international community was having to face more extreme situations of massive violations of human rights and cold-blooded massacres than before. It had become clear that, despite the assertions that, in the post-cold war era, a homogeneous world based on the Western model would emerge, history had made a U-turn and gone back to basics. Nationalism, ethnicity and racial and tribal orientations had become the major sources of conflicts and bloody confrontations at various levels in different parts of the world.

108. The tragic massacres in Rwanda ranked among the most horrifying human rights disasters of recent years. Yet they had aroused little political interest and only marginal public attention, which meant that action by the international community was limited and ineffective.

109. There was no doubt that the total number of dead stood at hundreds of thousands. The killings had been mostly indiscriminate and aimed particularly at children. Entire families had been executed, and no one had been spared, not even medical workers and relief personnel. The events in Rwanda were a rare case of the systematic massacre of a part of a population, which had few precedents in the world today.

110. The question was what the international community could or should do. The appointment of a special rapporteur with a mandate to investigate the situation and to report to another emergency session of the Commission was of course one option. However, it should be understood that, if the present circumstances continued, it would be difficult for such a rapporteur to reach the areas worst hit by the carnage and hence to draw up a report which accurately reflected the real situation on the ground.

111. The Commission should also severely condemn those responsible for the atrocities. However, at the same time, it should call for the immediate provision of assistance to the refugees and the internally displaced. UNHCR, which had been heavily involved in Burundi during the preceding six months,

had stretched its protection to cover the refugees in the border areas. However, the most vulnerable people were those displaced inside Rwanda, to whom there was no access and who were thus unaided.

112. Every effort should be made, particularly at the regional level, to bring the rival parties to agree to a cease-fire and subsequently to begin negotiations directed towards a settlement, even though that would be no easy matter. The Arusha peace agreement could serve as a basis for such efforts.

113. His delegation was concerned that the United Nations presence, which would have been so vital during the previous six weeks, had been substantially reduced. Despite the obvious risks involved, if other humanitarian organizations had chosen to stay, there was no reason why the United Nations should have acted so differently. It was, therefore, essential to examine more closely the way in which the United Nations engaged itself in such situations if such involvement was to be genuinely useful.

114. Of even greater concern was the recent decision of the Security Council to avoid an effective engagement and merely call for an investigative mission. By the time the resultant report was made available to the Council, hundreds of thousands more people could have been massacred. Although prudence was obviously needed before committing United Nations troops, particularly after the blunder in Somalia, there was no time to vacillate in Rwanda, where the lives of so many were at stake.

115. Furthermore, there was no reason to transmit a copy of the report from the proposed special rapporteur to the Security Council. It would take at least one month for that report to be prepared, thereby providing a pretext for further hesitation.

116. Lastly, a call for the deployment of human rights monitors was premature, as the eventual role of the United Nations in peace-making and peace-keeping operations was still unclear.

117. The CHAIRMAN extended a welcome to the observer for South Africa, whose delegation had not taken the floor in the Commission for many years.

118. Mr. EKSTEEN (Observer for South Africa) said that the tragic situation in Rwanda was of overwhelming importance to the international community in general and to the people of Africa in particular. The concept of human rights had been a beacon for South Africa during its transition process. The new Constitution provided a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future which would be founded on the recognition of human rights, democracy and peaceful coexistence and development opportunities for all South Africans irrespective of colour, race, class, belief or sex. With the adoption of the Constitution, the foundations had been laid for South Africans to transcend the divisions and strife of the past, which had generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge. The Constitution included a chapter on fundamental rights which had become part of the supreme law of the land.

119. The Commission's special session was the first major United Nations meeting to be attended by South Africa since the inauguration of its newly elected President. South Africa had now become a member of OAU.

120. Although joining the African family of nations was a cause for celebration, the events in Rwanda were of great concern. The situation posed enormous challenges to the Commission and other United Nations bodies. Immediate action was essential and any delay would be seen as indifference. The Minister for Foreign Affairs of South Africa had already declared that South Africa would remain in close contact with the United Nations and OAU on the issue.

121. Mr. SANAD BASTA (United Nations Children's Fund) said that UNICEF's Executive Director had recently appealed to the belligerents in Rwanda to spare the children and other civilians who had been unwittingly caught up in the conflict. UNICEF had also called for an end to that terrible situation when it had addressed the Committee on the Rights of the Child the previous month and had suggested the establishment of a tribunal to try the murderers of women and children, and even the introduction of a special category of war crime relating to the killing of women and children in conflicts around the world. Despite the entreaties of the United Nations Secretary-General, the United Nations High Commissioner for Human Rights and many countries including France, Nigeria, the Islamic Republic of Iran, Finland, the United States of America, Australia and Greece, the killings had continued and the guilty parties were acting with relative impunity.

122. Furthermore, hatred had long been a feature of radio broadcasts and press articles in Rwanda and made part of the education given to children in some of Rwanda's schools and homes, in direct contravention of human rights instruments, in particular the Convention on the Rights of the Child, which Rwanda had ratified in January 1991. It was essential for a solution to ethnic hatred to be found. Ignoring such antagonism inevitably led to disasters of the kind being witnessed in Rwanda.

123. Against all the odds, UNICEF had endeavoured to protect and assist children in Rwanda since the beginning of the conflict. In the United Republic of Tanzania, the massive influx of refugees had continued. UNICEF had cooperated with the Tanzanian Government for many years, and it was currently implementing an intensive aid programme to provide for the immediate health needs of refugees and at the same time ensuring that the resources of local communities were not depleted. However, greater assistance was needed in the form of medicines, food and other essentials.

124. Mr. LAMUNIERE (Director, Department of Humanitarian Affairs) said that his Department's participation in the Commission's special session showed how the work of the two bodies could and should be of mutual benefit.

125. In all conflicts, whether internal or international, the United Nations, through its various organs and procedures and out of respect for its Charter, was duty bound not only to feed, house, care for and protect the victims but also to do its utmost to foresee, contain or stop those responsible for the situation.

126. Such crisis management was not clearly within the mandate of United Nations humanitarian agencies. However, given the potential dangers in Rwanda and elsewhere, respect for human rights and humanitarian assistance would inevitably become closely linked.

127. In Rwanda, thousands of victims were being brutally killed and humiliation and torture had become common in Kigali and throughout the country. Political opponents of every persuasion had been silenced or had disappeared in an effort to wipe out any alternative to savagery, hatred and blind intolerance.

128. The first priority for the international community was to voice condemnation of the situation. Secondly, it should provide assistance to the victims as soon as possible and without discrimination, as the survival of thousands of people depended on a speedy response. Through that, it would be possible, at least in part, to guarantee the most fundamental and inalienable human rights: the right to life, the right to food, and the right to housing. The Under-Secretary-General for Humanitarian Affairs, Mr. Hansen, had, at the outset of the crisis, gone to Kigali to assess the most urgent needs and the conditions and options for intervention. Since then, there had been a continuous humanitarian presence in Kigali, providing a backup for UNAMIR. In Kigali and many other parts of the country, the exemplary work of ICRC teams which had never left Rwanda should be applauded. UNHCR, UNICEF, the World Food Programme, NGOs, and other bodies had also provided essential support to refugees and displaced persons.

129. There were enormous difficulties in Rwanda, and humanitarian supplies should not become a political or military pawn. In a situation where security problems were acute, the prerequisite for humanitarian assistance from the United Nations was permanent access to victims. That was of supreme importance, and the primary goal of the Department, as it had been in Angola and elsewhere.

130. Humanitarian aid did not have a direct impact on the war, and the ultimate humanitarian action was in fact to establish peace. Humanitarian efforts had to be supported by political action to maintain or restore peace. That was no easy task, as it had to be carried out whilst respecting the integrity and neutrality of humanitarian operations.

131. Respect for humanitarian standards had to be strengthened. The United Nations had a duty to remind the parties to the conflict of the rules of humanitarian law and of human rights, and to develop binding mechanisms to penalize gross violations of such standards. There were already grounds for measures which fully respected the principles of the Charter of the United Nations, to be taken against the parties to the conflict.

132. Ultimately, there was no doubt that the solution to the humanitarian crisis in Rwanda lay in reconciliation. Although humanitarian assistance was no substitute for peace, it could at least mitigate the harsh effects of the war. Until peace had been restored, all possible efforts had to be made to save the lives of hundreds of thousands of people threatened by the continuing widespread violence.

133. The Department of Humanitarian Affairs supported the appointment of a special rapporteur for Rwanda and the establishment of a network of human rights monitors. It would also work to improve coordination among the many actors already involved in dealing with the various aspects of the crisis in Rwanda.

134. Monsignor TABET (Observer for the Holy See) said that the atrocities in Rwanda had been exposed to the world by the media. An ethnic group was being threatened with genocide and members of opposition parties or individuals trying to help people on the run had been ruthlessly murdered. The massacres in Kigali, Kibungu and Gisenye had led to an escalation of the conflict as the RPF retaliated, and hence the vicious spiral of revenge had begun. The church itself had paid a high price and had lost many of its priests and nuns, and thousands of people had been slain in the churches where they were seeking refuge.

135. The immediate consequences of such widespread violence was the forcible displacement of hundreds of thousands of people, a shortage of food and a serious risk of epidemics.

136. Pope John Paul II had condemned the situation on several occasions, appealing to the consciences of those who had planned and carried out the massacres and reminding them that they would have to answer for their crimes before history and before God.

137. The Commission's special session should, above all, awaken people's consciences so that everything possible could be done to end the violence and restore peace and respect for human rights.

138. The tragedy had many causes. On 20 November 1993, the Bishops of Rwanda had stated that the national crisis was partly the product of efforts to concentrate everything in one region and in the hands of one ethnic group. The unfair distribution of powerful positions was just one example. The Arusha peace agreement of 4 August 1993 had aimed to turn a new page with regard to discrimination and restore national unity. Unfortunately, the agreement had not been to the liking of all sides and its implementation had been hindered, with ethnic arguments being used to divide the parties. Hatred and divisions had multiplied as a propaganda campaign took hold and armed militias proliferated.

139. The international community had failed to recognize the warning signs that the crisis was about to erupt, including the massacres at Kibilira, Bugesa and Gisenye-Kibuye, or to denounce those who were working against peace and unity so that they could be stopped in time. Deliveries of arms to an already impoverished country had merely aggravated the situation.

140. An appeal should be made to the Government of Rwanda, the armed forces, the local militias and the RPF to ensure full respect for the human rights of all Rwandese to end the killing of civilians and negotiate a cease-fire.

141. The United Nations, OAU and nations of goodwill should do everything possible to ensure that an effective United Nations presence helped to put an immediate end to the massacres, as a prerequisite for a cease-fire.

Furthermore, efforts should be made to encourage a resumption of talks between the warring factions and begin the process of negotiation. To that end, Security Council resolution 918 (1994) was a positive step.

142. Efforts to restore peace should refer back to the Arusha peace agreement and take note of the statement by the Rwandese Episcopal Conference that everyone was equal and had the same rights and therefore no ethnic group, region or clique had the right to monopolize the country.

143. The Holy See, while recognizing the efforts of international organizations such as ICRC and UNHCR and of bordering countries which had welcomed hundreds of thousands of refugees, also called on the international community to provide humanitarian assistance on a scale which would cater fully to the needs of the population. The Catholic Church, particularly through Caritas Internationalis, was already working to that end.

144. The Commission should do everything in its power to ensure that a serious and exhaustive investigation of the massive human rights violations in Rwanda could be carried out and bring the guilty parties to account. It should also work towards gradually re-establishing a legal order based on justice and respect for rights and fundamental freedoms.

145. Efforts at material reconstruction would be worthless unless attempts were also made to ensure moral reconstruction.

146. Mr. DEGUENE KA (Observer for Senegal) recalled that in 1993 the Commission's Special Rapporteur on extrajudicial, summary or arbitrary executions had alerted the international community to the problems in Rwanda, and had made a number of valid recommendations, which had not been taken up.

147. Human and political rivalries had led to an unprecedented outbreak of violence in Rwanda, which in six weeks had left approximately 500,000 people dead and more than 1 million refugees and displaced persons. As usual, civilians were the main victims. Thousands of people were starving, or had been tortured, massacred or gone into exile.

148. Through the mass media, the horrific scenes in Rwanda had been disseminated throughout the world. It was therefore permissible to ask why international machinery had not come into action immediately. Much remained to be done by the international community to set up appropriate mechanisms to prevent and manage conflicts which could help to reduce the sufferings of populations in times of crisis.

149. The Commission should look closely at how the United Nations could help to guarantee the people of Rwanda full enjoyment of their inalienable rights, in particular their right to life. It should also participate actively in initiatives designed to create the conditions for reconciliation and understanding between the opposing sides in Rwanda, helping to break the vicious circle of violence, and support individual or collective measures to end the carnage.

150. The implementation of a mechanism to protect the civilian population, support for NGOs working to protect human rights in Rwanda, reform of the

judicial system, the disbanding of all violent organizations and a campaign against impunity and arbitrary arrests and detention were among the measures which had been recommended and which, if applied, could have helped Rwanda to avoid violent conflict and move towards national reconciliation.

151. The international community should unequivocally condemn the massacres and murders and demand an immediate and unconditional end to the hostilities so that, under the authority of the United Nations and the OAU, negotiations could be held in the spirit of the Arusha peace agreement.

152. Senegal supported the appointment of a special rapporteur who was fully conversant with the human rights situation in Rwanda and who could submit appropriate recommendations to the Commission as soon as possible.

153. Senegal was also in favour of sending observers to Rwanda to monitor human rights, provided that they enjoyed the support of UNAMIR. The international community should launch a special appeal for funds to pay for a priority assistance programme.

154. Tributes should be paid to UNHCR, ICRC and various NGOs, whose field staff were risking their lives to help the population of Rwanda; to the United Republic of Tanzania, which had made valuable diplomatic efforts to explore a political solution to the conflict in Rwanda and taken in refugees from the conflict; and to the United Nations High Commissioner for Human Rights for his report (E/CN.4/S-3/3). The international community also owed a great debt to the countries which had provided logistical support and troops to help the United Nations operation in Rwanda pursuant to Security Council resolution 918 (1994).

155. Mr. VALENTINO (Observer for Malta) welcomed the visit of the United Nations High Commissioner for Human Rights to Rwanda and his report to the Commission (E/CN.4/S-3/3).

156. The gravity of the situation in Rwanda fully justified the urgent attention of the international community and in particular the Commission. Malta condemned the grave violations of fundamental human rights and international humanitarian law in Rwanda and called for a solution to the appalling tragedy which had entailed the wide-scale killing of civilians.

157. The parties involved in the conflict should respect human rights and humanitarian law, there should be an immediate end to hostilities, and refugees and internally displaced persons should be provided with full assistance and not detained as hostages. It was also vital for all parties to respect the freedom of movement and security of United Nations personnel and peace-keepers and international humanitarian organizations operating in the field.

158. Malta supported the efforts which had been made by a number of delegations to produce a practical and effective resolution for adoption by the Commission, which would reflect the human rights situation in Rwanda and would determine the necessary action-oriented measures designed to protect the victims of the conflict.

159. Malta believed that the most effective way to accomplish that goal was to appoint a special rapporteur acting under the authority of the United Nations. Investigating the human rights situation in Rwanda would be a dangerous and difficult task and the special rapporteur therefore required protection and assistance under a coordinated United Nations mechanism involving UNAMIR in order to fulfil his mandate. It was also necessary to secure adequate financial resources. The special rapporteur should report his findings and recommendations to the members of the Commission on Human Rights, to the Economic and Social Council and to the General Assembly, whereupon the Secretary-General should make the report or reports available to the Security Council.

160. The situation in Rwanda was desperate. Whatever action was foreseen, the political will of the parties to the conflict and the pressure applied by the international community would be vital factors.

161. Mr. NORDMANN (Observer for Switzerland) said that the horrific events in Rwanda were of particular concern to Switzerland, not only because it shared the revulsion of the international community but also because Rwanda and Switzerland had established valuable links through 30 years of close cooperation.

162. Switzerland had welcomed the Arusha peace agreement and had conveyed its deep concern to the authorities in Rwanda over the growing political, economic and social problems in Rwanda.

163. Tribute should be paid to the activities of ICRC. Switzerland had recently reminded the Government of Rwanda of its obligations under the Protocol Additional to the Geneva Conventions relating to the protection of victims of non-international armed conflicts.

164. After commending the United Nations High Commissioner for Human Rights on his report (E/CN.4/S-3/3), he expressed the hope that the resolution to be adopted by the Commission would call for an end to hostilities, condemn the massacres and violations of human rights and humanitarian law in Rwanda in the strongest possible terms and reflect the political dimension of the conflict. The resolution should also point out that the massacres in Rwanda and the destruction of an ethnic group amounted to genocide. Switzerland supported the appointment of a special rapporteur and the dispatch of human rights monitors and shared the desire to bring the perpetrators of human rights violations to account for their actions. In addition, an international criminal court along the lines of the one which had been established for the former Yugoslavia should be set up.

165. Switzerland would respond favourably to any request for financial contributions and for personnel to perform human rights monitoring in Rwanda.

The meeting rose at 7.05 p.m.

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COMMISSION ON HUMAN RIGHTS

Third special session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 25 May 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

General debate (continued)

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GE.94-12777 (E)

The meeting was called to order at 10.35 a.m.

GENERAL DEBATE (continued)

1. Mr. ZAHRAN (Observer for Egypt) said he deplored the fact that, after the adoption of the 1993 Cairo Declaration establishing a mechanism for the prevention and management of conflicts in Africa and at a historic moment for the continent when a new democratic society was being established in South Africa and the democratization process was continuing in other countries, the entire world was witnessing a new human tragedy in an African country and the Commission on Human Rights was having to meet in a special session to decide what should be done to cope with it.

2. His Government had closely followed all the developments in the situation in Rwanda, and President Mubarak, in his capacity as current President of the Organization of African Unity, had spared no efforts to prevent the situation from deteriorating further and to find a peaceful solution to the conflict. Those efforts had, unfortunately, been fruitless, for the hostilities had not ceased and flagrant human rights violations and an actual criminal genocide were being perpetrated in that country. As the High Commissioner for Human Rights had recommended, it was vital that the international community should take steps to identify the persons responsible for the atrocities and to resolve the disturbing problem of the influxes of Rwandese refugees into the neighbouring countries and the situation of the displaced persons within the country. His delegation appealed to the two parties to the conflict to put an end to the massacres of innocent civilians and endeavour to settle the conflict on the basis of the Arusha Peace Accords so as to restore national peace and unity. The countries bordering on Rwanda should also continue their efforts in that direction, as should the entire international community, to guarantee the right to life of all Rwandese.

3. His delegation fully approved the Security Council's decision to expand the mandate of the United Nations Assistance Mission in Rwanda (UNAMIR) and hoped that the new troops would be rapidly deployed. It urged all the members of the international community to respond promptly to the request so as to help UNAMIR fulfil its mission effectively. In that connection, it congratulated all States and non-governmental organizations, as well as UNHCR and the International Committee of the Red Cross (ICRC) on their humanitarian activities in extremely difficult conditions in Rwanda, and it invited all donor countries to make further contributions to the programmes for assistance to the victims of the civil war. In that connection, it asked the parties to the conflict to guarantee the safety of the members of those organizations in carrying out their work. His Government endorsed the idea of preventive diplomacy and was in favour of the establishment, with support from the international community, of a special mechanism for conflict settlement of the type provided for in the 1993 Cairo agreements, to deal with the serious problems being experienced by the African continent, in conformity with the Charter of the United Nations.

4. Mr. POKU (Observer for Ghana) said that the unacceptable human rights violations being committed in Rwanda were perhaps even more shocking than those in Bosnia and Herzegovina, which had occasioned the Commission's first two special sessions. His delegation therefore commended Canada for

requesting, with the support of over 40 other States members of the Commission, the convening of a third special session of the Commission on Rwanda. It shared those delegations' concern at the senseless killings occurring in that country and would associate itself with any action resulting from the session that might help to stop them.

5. His Government was well aware that the situations created by armed conflicts did not usually lend themselves to the observance of human rights, as had been seen in Liberia, Somalia and Bosnia. But it was precisely because the Commission on Human Rights was the international community's moral conscience that it should send a clear message to the warring factions in Rwanda that the international community could no longer tolerate the indiscriminate slaughter, which some had rightfully qualified as genocide. Nevertheless, all delegations agreed that the Commission could not address the protection of human rights and fundamental freedoms in Rwanda without the presence of a neutral international force. His delegation was thus gratified that, on 17 May 1994, the Security Council had unanimously adopted a resolution authorizing an expansion of UNAMIR force level up to 5,500 to provide humanitarian aid to Rwandese refugees. The imposition of a mandatory arms embargo was also a pertinent measure, as was the expansion of UNAMIR's mandate - which his delegation also approved - to help provide refugees and civilians with security and protection by establishing secure humanitarian areas and relief operations. To fulfil that mandate, UNAMIR would need additional support by way of equipment; his delegation therefore appealed to all the members of the international community to accept their responsibilities in that regard.

6. The time had come to act. His delegation would support any action taken by the Commission that would strongly condemn the grave violations of human rights and fundamental freedoms and breach of international humanitarian law in Rwanda and send a clear message to their perpetrators that they would not go unpunished; achieve an immediate cessation of hostilities to ensure the safe delivery of humanitarian assistance to the needy; encourage the continuation of the Arusha peace process to find a durable solution to the political and ethnic problems in Rwanda; appoint a special rapporteur to investigate the human rights violations and recommend appropriate action by the Commission; and increase the material, financial and human resources needed to accomplish those tasks.

7. He expressed his delegation's gratitude to the relief agencies, in particular UNHCR, and the ICRC and other non-governmental organizations, whose officials were working, often in very difficult conditions, to bring relief to the innocent victims of the Rwandese conflict. It also wished to thank all the States that had provided financial and logistic support for the humanitarian assistance efforts in Rwanda.

8. Mr. MTANGO (Observer for the United Republic of Tanzania) thanked the delegation of Canada for having taken the initiative of requesting the convening of a special session of the Commission on Human Rights on the situation in Rwanda, which the African Group and all other regional groups fully supported. He also thanked the High Commissioner for Human Rights,

whose visit to Rwanda in precarious security conditions had contributed in no small measure to sensitizing the international community to the awesome internal conflict raging in that country.

9. His delegation believed that the Commission should send a very clear message to the perpetrators of the violence in Rwanda that the international community could not condone such violations of human rights and flagrant disregard for international humanitarian law and that destroying a particular ethnic group was totally unacceptable and a crime punishable under international law. In that connection, it fully supported all initiatives aimed at putting an immediate end to the hostilities and the killings. The massacres should be thoroughly investigated in order to establish individual and collective responsibility in accordance with internationally recognized principles of fairness and justice. Coordinated international action should also be taken to alleviate the suffering of all displaced people in Rwanda and Rwandese refugees in neighbouring countries like his own, which did not have the means to absorb such a massive influx of refugees and needed assistance to handle it. His delegation was grateful to the countries and international agencies engaged in bringing humanitarian assistance to those refugees and called upon the international donor community to increase its assistance. International solidarity was indispensable to cope with that human tragedy. Efforts to resolve the Rwandese crisis in the context of the Arusha peace process, in which the President of Tanzania had played an active part, should continue. However, the implementation of the Arusha Accords would depend on the cooperation of all parties involved in the conflict. As a military solution was unlikely to resolve the Rwandese conflict, all the parties involved must be persuaded to engage in negotiations aimed at bringing a peaceful and lasting solution to the conflict.

10. Mr. TARRE MURZI (Venezuela) said that the Rwandese conflict was not a war between rival tribes, as was too often alleged, but the result of a deliberate mutual extermination policy, the bloodiest and most appalling to take place as the century came to an end. That "journey to the ends of horror", as a French journalist had put it, had resulted in over 200,000 deaths and over 400,000 refugees. It was not a civil war, but the cruellest genocide to have been perpetrated since Hiroshima and Nagasaki. The cruelty of the acts committed in Rwanda exceeded all previous wars and were a manifestation of barbarity unimaginable in modern times. What was happening in Rwanda was an offence to all mankind; it was not an internal struggle between Hutu and Tutsi tribes but an insane collective killing spree. His delegation thus unreservedly supported the proposals of the United Nations High Commissioner for Human Rights. The international community had no choice. It must take strong and urgent measures to end the slaughter. It could not stand idly by in the face of so many horrors; not only the prestige of the United Nations but the future of mankind was at stake: genocide and barbarity could not be tolerated. Abstract resolutions, however well-intentioned they might be, were not capable of eliminating them. Only strong and practical action by the major Powers represented in the Security Council and the Commission on Human Rights could do so, since doing nothing to prevent a crime or punish its perpetrators was worse than the crime itself.

11. Mrs. PAZ-CAMPOS (Mexico) said that her delegation had not hesitated to support the convening of a special session of the Commission on Human Rights, because of the exceptionally grave nature of the crisis in Rwanda. The steps taken by the Security Council to deal with that crisis were consistent with its powers, and the decisions to be taken by the Commission should also be within its mandate so as to avoid any confusion or overlapping that might cause it to lose its credibility.

12. In the terms of the resolution to be adopted by the Commission, all the parties to the conflict should undertake to guarantee respect for human rights and humanitarian law in Rwanda. It was the Rwandese people that had the primary responsibility of engaging in a national reconciliation process, restoring the rule of law and prosecuting all those responsible for human rights violations. The international community, and especially the United Nations, should of course provide support for the efforts made by the Rwandese people. Her delegation acknowledged, in that connection, the leading role played by the Organization of African Unity. In conclusion, she was convinced that the Commission on Human Rights would take appropriate decisions to put an immediate end to the abuses and violations of human rights being committed in Rwanda.

13. Mr. REYN (Observer for Belgium) said that his delegation fully endorsed the position of the European Union as expressed the previous day by the observer for Greece. The genocide and other human rights violations being committed in Rwanda since 6 April were the result of ethnic tensions that had already caused other bloody conflicts in the past and that had recently been exploited for political purposes. Many countries, including his own, and non-governmental organizations had nevertheless done their best to ensure that human rights were more effectively respected in Rwanda. The neighbouring countries, the OAU and several Western countries had patiently encouraged the parties to work towards a compromise. For its part, the United Nations had taken on extra commitments to encourage the implementation of the Arusha Accords. The UNAMIR operation had been a response to a request from the Rwandese parties, which had guaranteed it "complete safety". The murder of 10 UNAMIR peace-keepers, in contempt of the most basic principles of international humanitarian law, should be thoroughly investigated. UNAMIR had a specific mandate under the Arusha Accords conferred on it by the Security Council; that being the case, certain insinuations made at the previous meeting concerning its activities were regrettable.

14. If it had unfortunately not been possible to re-establish a lasting peace in Rwanda, that was because of a secret policy being pursued there for months, as witnessed by the stockpiling of weapons, radio broadcasts of incitement to racial hatred, acts of intimidation and violence and the drawing-up of lists of people to be "eliminated". The assassination of the Presidents of Rwanda and Burundi had provided an ideal opportunity for the radical groups to rush in and set off the killings. The international community must do its utmost to prevent such catastrophes from recurring.

15. It was the Commission's duty to demand that all persons responsible for violations of international humanitarian law and human rights and, more particularly, all acts having the characteristics of genocide in Rwanda should be identified and tried. His delegation therefore fully supported

the High Commissioner's proposals designed to facilitate exhaustive inquiries into all aspects of the human rights situation in Rwanda through the appointment of a special rapporteur and the sending of observers. In the meantime, it urged the parties to show humaneness to the people under their control and, in particular, to respect the elementary rights of detainees.

16. Mr. DIENG (International Commission of Jurists) said that, at a meeting between himself and President Habyarimana four days before the latter's tragic death, the President had agreed that the perpetrators of serious human rights violations must be prosecuted. The President had invited him to send ICJ judges and expert jurists to Kigali to investigate the allegations and prepare the cases. He had pointed out to the President, however, that his insistence on including the Coalition for the Defence of the Republic (CDR), reputed to be a party of Hutu extremists, might lead the country to disaster. On the eve of that meeting, he had travelled to Mulindi under a UNAMIR military escort to meet the President of the Rwandese Patriotic Front (FPR). The President of the FPR had said that he opposed any amnesty measures, which he considered would only make the situation worse.

17. If the recommendations made by Mr. Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions, in his report to the Commission at its fiftieth session (E/CN.4/1994/7/Add.1) had been even partially implemented, they might have helped to avoid the tragedy being experienced by the Rwandese people. As early as 1990, his organization had filed the first complaint against Rwanda for a pattern of gross violations of human rights before the African Commission on Human and Peoples' Rights: the case was still pending. It was deplorable therefore that, despite warnings from many NGOs and from the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had transmitted a file on Rwanda, the Commission had not made the slightest condemnation. That had given the perpetrators of serious human rights violations a feeling of impunity. They had felt all the safer because of the support they had received from one or two old European democracies which had supplied them with lethal weapons. The initiative of the High Commissioner for Human Rights had been a courageous one but was inadequate in the current context in Rwanda. At the current special session on Rwanda, the Commission on Human Rights must do at least as much as had been undertaken in the case of the former Yugoslavia. Serious consideration should be given to appointing a special rapporteur to investigate gross violations of human rights in Rwanda.

18. Although an international military presence in Rwanda was morally justified, it was nevertheless preferable to concentrate on examining the root causes of the tragedy. His organization hoped that a clear and precise commitment would emerge from the Special Session. The Special Rapporteur on extrajudicial, summary or arbitrary executions was familiar with the situation in Rwanda, and there were enough concordant depositions to identify the Rwandese civilian and military personnel who had been guilty of crimes against humanity and gross violations of human rights. The previous year, his organization had suggested the urgent establishment of an international standing criminal court to try the perpetrators of serious human rights violations. Pending the establishment of such a court, it urged the Commission to recommend that an international court be set up to try the perpetrators of the crimes committed in the territory of Rwanda.

Another possibility would be temporarily to extend to Rwanda the mandate of the tribunal on the former Yugoslavia. Lastly, he stressed the Commission's heavy responsibility towards history, for the Rwandese tragedy was fraught with dangers, not only for Burundi and the other neighbouring countries, but also for international peace and security.

19. Mr. ZOLLER (International Service for Human Rights) said that, for at least two years, everyone in the Commission had known what was happening in Rwanda but nobody had done anything about it. That inertia was due to the fact that the Member States of the Commission were more inclined to protect their own interests than to be moved by the fate of peoples. Although the NGOs that dared to denounce the many serious and mass violations of human rights came in for much abuse, restraint was the order of the day when it was a question of taking action. The Commission was, as a result of that enervation, losing its sensitivity to the cries of the peoples and hence its very capacity to react when informed of a case of genocide. Over and beyond the Rwanda crisis, therefore, the question arose why the Commission was gradually going astray and giving too many repressive regimes, year after year, the comfort of impunity.

20. Several Western countries had a heavy responsibility in Rwanda, while the African countries were trying to avoid further opprobrium. The representative of Rwanda had, the day before, made an improper statement which had gone so far as to incite racial hatred. The time had come to act and to launch an assault against the bastion of impunity. The murderers in Rwanda, the extremists in Burundi and the dictators throughout the world should be sent an unequivocal message that all murderers would be prosecuted, tried and punished. To that end, the Commission should appoint a special rapporteur to travel to Rwanda with the thematic reporters, to cooperate with the observers there and to submit periodic reports to the Commission, the General Assembly and the Security Council. An international commission of inquiry should also be appointed and an international criminal tribunal established. The financial and human resources of the Secretariat should be increased accordingly. When the delegations were negotiating a draft resolution, therefore, the financial argument should not be allowed to emerge again. It was really not the time to haggle over the bills, while millions of starving people were waiting. It should also be remembered that prevention was better than cure: when the NGOs had been issuing warnings about Rwanda, preventive action had still been possible, and would have been much less costly, particularly in terms of human lives.

21. Mr. GILLET (International Federation of Human Rights) said that, on 6 April 1994, only a few minutes after the aircraft carrying the Presidents of Rwanda and Burundi had been brought down, the Rwandese army, including the Presidential Guard, and the militias of the National Republican Movement for Democracy and Development (MRND) - the former single party - and the Coalition for the Defence of the Republic (CDR) had begun setting up roadblocks in Kigali and murdering Hutu and Tutsi members of the opposition parties. The Presidential Guard had arrived at the homes of opposition members according to an apparently pre-established plan. The next day the war between the Rwandese Armed Forces (FAR) and the Rwandese Patriotic Front (FPR) had resumed. The killings had spread throughout the country. On 19 April, the Rwandese authorities had replaced the provincial prefects in Butare and Kibungo,

who had been able until then to ward off the violence; in the ensuing hours, the Presidential Guard had arrived in those provinces and the ethnic massacres had begun.

22. The killings perpetrated by the Rwandese authorities and the armed militias of the two parties close to the Government had been the culmination of a strategy followed since the outbreak of war with the FPR in October 1990, whereby the entire Tutsi ethnic group was described as accomplices of the FPR and Hutus favourable to power-sharing with the Tutsis were called enemies of the nation. Several massacres, especially of Tutsis, had already taken place, in the north-west of the country in February 1991, in Bugesera in March 1992, and later in Kibuye, Cyangugu, Kibungo, etc. They had been described in detail by human rights defence organizations and by the International Commission of Inquiry on Violations of Human Rights in Rwanda (in which the International Federation of Human Rights had participated) in its report published on 8 March 1993. They had been acknowledged by the Rwandese Government itself, in a statement of 7 April 1993 signed by the President of the Republic and the Prime Minister and attested by the Special Rapporteur on extrajudicial, summary or arbitrary executions in his report to the Commission (E/CN.4/1994/7/Add.1).

23. The Rwandese authorities had organized and trained armed militias, and the national radio station (Radio Rwanda) and the "Radio Mille Collines" station, most of whose shareholders were close to the authorities, had for months been broadcasting incitements to ethnic hatred. In the weeks before President Habyarimana's death, the incitements had taken the form of calls for the murder of specific Rwandese citizens. Since 6 April, Radio Mille Collines had been systematically used as a means of communication between the authorities and the militias. During the two weeks preceding the President's death, the heads of Rwandese human rights defence organizations had alerted international public opinion to the operations being prepared against the opposition to the President or anyone who criticized his obstruction of the Arusha Accords. The massacres had become systematic, with the militias moving from the cleansed regions to those that had not yet been cleansed. When they met with resistance, they asked for reinforcements from the army, which had also taken part in the massacres. All those massacres had resulted in 200,000 to 500,000 victims, and over 2 million people had been driven out to the roads and to neighbouring countries; they were in danger of death from injuries, disease and malnutrition.

24. The information already in the possession of the human rights defence organizations indicated that it was possible to determine the murderers' identity from the highest to the lowest level. If the United Nations and its Member States did not establish the means of effectively punishing those responsible for the crime of genocide and crimes against humanity, there would be no hope for human rights in the future. The crimes being committed were also crimes against the peace, for their goal was to prevent the implementation of the Arusha Accords.

25. His organization believed that the Commission's action should be threefold. First, responsibilities must be determined: the Commission should appoint a special rapporteur to establish the facts and identify those responsible; his mandate would be in keeping with the seriousness of the

situation. The special rapporteur should also submit his conclusions and recommendations to the Security Council. Secondly, those responsible must be punished and, to that end, his organization requested the establishment of an international criminal tribunal to judge the mass violations of human rights in Rwanda, whether committed before or after 6 April 1994. Thirdly, new human rights violations must be prevented by authorizing the deployment of permanent observers as part of an early-warning network. That role should be played primarily by the members of UNAMIR.

26. Mr. ZACHARIAH (Médecins sans frontières) said he could provide some eye-witness accounts of human rights violations and atrocities in Butare, Rwanda. On 22 and 23 April 1994, at the Butare University Hospital, where MSF had been working, 150 to 170 Tutsi patients, including wounded children, had been taken out individually and either beaten or hacked to death behind the hospital. MSF staff had seen the cadavers. Three nurses had also been killed, one of them a pregnant Hutu woman, because she was married to a Tutsi. On 20 April, in the Saga-1 and Saga-2 refugee camps, 30 km from Butare, all MSF local staff (Hutu, Tutsi and Zairian) had been rounded up by the militia and gendarmerie. The Hutu staff had been forced to kill their Tutsi colleagues, and those who refused had themselves been killed. The Tutsis, 35 in number, had been hacked to death or shot. The story had been revealed by the Zairian staff members who had been freed. On 19 April 1994, on the road between Butare and the Burundi border, the landscape had been dotted with piles of human bodies, mainly women and children. They were Tutsis who had been taker out from their communities and killed. Seven hundred metres from the Burundi border, about 80 people had been seen running towards the border, chased by a group of militiamen armed with machetes. An old man had been killed in front of members of the MSF staff. The other fugitives had managed to reach the border, but another group of militiamen had been waiting for them there; only 10 people had managed to cross; the others had been massacred.

27. Those massacres, which were no less than genocide, were continuing, and those responsible were the militia (Interhamwvie) and radical elements of the interim Government. There were four questions that the Commission on Human Rights should ask itself: firstly, how civilians could be protected in the conflict; secondly, how hospitals and aid personnel could be protected to enable humanitarian work to be carried out; thirdly, what options there were for avoiding such a situation in the future; and, fourthly, what could be done to bring the killers to justice?

28. Mr. MONOD (War Resisters' International (WRI)) said that the international organizations had long since warned the High Commissioner for Refugees of the disturbances brewing in Rwanda. The serious events of April, had thus been no surprise to anyone familiar with the political situation in that country. Such ethnic conflicts were, unfortunately, becoming more and more frequent. That was so, for instance, in Armenia, Azerbaijan, the Caucasus and Bosnia. Civil wars were proliferating: Afghanistan, Liberia, Angola, Somalia and Yemen. It was urgent to denounce and prevent such atrocities.

29. To that end, the United Nations should send observers to areas where conflicts were likely to deteriorate into armed confrontations. Such observers would report to an arbitration commission so that a peaceful

solution could be found. That was how the Arusha Accord had been reached; unfortunately, it had not been sufficient. To prevent recourse to weapons, all armies, whether rebel armies or governmental armies, should be outlawed. Indeed, governmental armies appeared to be as dangerous to the civilian populations as rebel armies.

30. All armies should therefore be abolished, by a United Nations resolution, and an effective guarantee given to countries that complied with that resolution. The manufacture, export and use of weapons should also be prohibited. People could not be prevented from using machetes and knives, but civilians could be protected by an international police force, as soon as disturbances became foreseeable. The local police should be used only to maintain day-to-day order in the country. In conclusion, an international monitoring commission should ensure that the prohibition of armies was enforced, and economic and political sanctions should be taken against anyone who violated the prohibition.

31. Mr. LIEBLING (Minority Rights Group) said that his organization was horrified by the reports it received each day of the genocide being perpetrated in Rwanda. Once again the international community, including the United Nations, could be accused of doing too little too late, where there was a threat to the peace and security of a region and its inhabitants. The violence had escalated into open conflict on 6 April. On 21 April, the Security Council had reduced UNAMIR to 270 men. The Secretary-General of the Organization of African Unity had strongly condemned that decision. It was only after the death toll had reached hundreds of thousands that the Security Council had authorized the expansion of the United Nations troops to 5,500 men.

32. The violence was rooted in ethnic tensions aggravated by political differences. Those tensions and the situation of the refugees wishing to return home had never been addressed. One of the consequences was that politically-motivated gangs had been mobilized to take part in mass killings of the Tutsi minority, although Hutus had also been killed. The extent of culpability was not the main issue for the moment; what was of vital importance was that the mass killing of innocent civilians should be halted immediately.

33. To that end, the United Nations should strengthen the role of UNAMIR and the United Nations High Commissioner for Human Rights should facilitate an immediate and lasting peace initiative, with the participation of the parties concerned and the neighbouring countries and in cooperation with the Organization of African Unity. It should also appoint a special rapporteur to investigate the situation in Rwanda and report to the High Commissioner for Human Rights on modalities for conflict resolution. It should also guarantee the safe passage of citizens to neighbouring countries, enable access of aid to the refugees and facilitate their rehabilitation once peace had been restored. The conflict in Rwanda re-emphasized the urgency of establishing early-warning and dialogue mechanisms to prevent further tragedies.

34. Mr. BALIAN (Human Rights Advocates) said he noted with concern that the 500,000 victims of mass slaughter in Rwanda were often referred to as the victims of a civil war. It was true that thousands had been killed in combat,

but the hundreds of thousands who had been killed in the course of a deliberate attempt to destroy the Tutsi minority group could not be so qualified. Some humanitarian workers estimated that one half of the Tutsi population had been exterminated. That was quite obviously genocide, and the international community would be remiss if it lumped all the victims into the category of civil-war victims; to do so would be tantamount to granting the criminals impunity.

35. His organization's second area of concern was the inability of the international human rights community to respond to early warnings before a situation went out of control. For example, at its fiftieth session, the Commission had failed even to adopt a resolution on the situation in Rwanda, despite many warnings of impending calamity in that country.

36. His organization recommended that the Commission should categorize the crimes committed in Rwanda as crimes against humanity; ensure that those responsible for the crimes did not go unpunished, so that such atrocities would not recur, by convening an ad hoc international criminal tribunal; appoint a special rapporteur to monitor the human rights situation in Rwanda; review its own role during the early stages of the conflict to determine ways in which it might address similar early warnings more effectively; and, following the conflict, provide technical assistance in the field of human rights promotion and protection.

37. Mr. DOTRIDGE (Amnesty International) said that his organization welcomed the holding of the special session but noted with regret that the Commission on Human Rights had contributed to the failure of the international community to prevent mass slaughter in Rwanda. The Commission's own Special Rapporteur on extrajudicial executions had made 12 detailed recommendations following his mission to Rwanda in April 1993. Yet, one month before the killings began, the Commission had failed to ensure that the Government implemented those measures. The Security Council had decided to increase its peace-keeping force in Rwanda but had taken few specific human rights measures. The Commission must therefore act immediately to protect civilians and develop a longer-term human rights programme to help prevent such mass killings ever happening again.

38. The killing of at least 200,000 people in Rwanda, most of them Tutsis, had been systematic and condoned at the highest level of the Government and military. Within hours of the death of the President of Rwanda, the militias affiliated to the Hutu parties (MRND and CDR) had begun to search for and kill Tutsis and Hutu opponents. His organization had also received some reports of killings of Government supporters in sectors controlled by the FPR. Official statements on the radio and at political rallies from 1990 onwards had revealed a genocidal intent. By early April 1994, the Government supporters had been both materially and psychologically prepared to carry out the massacres.

39. The Commission's own experts should carry out continuing investigations in the country of the human rights situation and make practical recommendations to the Commission. His organization supported the proposal for the appointment of a special rapporteur on Rwanda, whose most urgent task should be to go immediately to the region and report back to the Commission,

if necessary to a reconvened special session. The special rapporteur must be given sufficient material resources and the staff he needed to conduct investigations in the field. The Commission should, in particular, make use of its own thematic experts on extrajudicial executions, disappearances, torture, violence against women, racism and internally displaced persons.

40. His organization believed that one of the tasks of UNAMIR was to help protect civilians and others taking no part in the fighting. It was for the Commission to make strong recommendations to the General Assembly and the Security Council. The first stage should be the rapid return to Rwanda of the 52 United Nations civilian police monitors who had been evacuated to Kenya. Their number should be increased and their mandate expanded so that they could help to act as a dissuasive presence and report systematically on abuses committed by both sides. Furthermore, United Nations troops and other personnel must not remain silent witnesses to the killings. They should be instructed to report what they saw and what was reported to them. That would enable UNAMIR regularly to include human rights developments in the reports required by the Security Council.

41. As soon as feasible, a more comprehensive civilian human rights monitoring mission should be established, with the participation of the Organization of African Unity (OAU). The Commission should call for the human rights guarantees in the Arusha Peace Accords to be implemented. If there was strong national and international machinery to ensure that those commitments were honoured, the Accords could go some way towards preventing further human rights violations. The Commission must see to it that individuals who had committed gross human rights violations were brought to justice and that the victims and their families were compensated. The Commission's experts could assist in the reconstruction of the Rwandese judicial system. The mass killings in Rwanda showed yet again that it was vital for the United Nations to move swiftly to create a permanent international criminal court to try those responsible for war crimes, crimes against humanity, including genocide, and other serious human rights violations, wherever they occurred.

42. The Commission should encourage the establishment in Rwanda of an independent and impartial commission of inquiry whose task would be to reveal the truth about the systematic violations of human rights, analyse their causes and make recommendations for steps to prevent them ever happening again. In every aspect of human rights, the Commission should work closely with the OAU, which was playing an important role in addressing the crisis, and should support the high-level political and coordinating role of the United Nations High Commissioner for Human Rights and his part in developing a long-term human rights programme for Rwanda and Burundi.

43. His organization continued to believe that, at the current special session, the Commission should also have considered the situation in Burundi. Of course, human rights measures should be tailored to the specific needs of each country. But, given the close ties between Burundi and Rwanda, the situation in one country inevitably had an impact on the other. If the Commission once again failed to heed the advice of its own expert on extrajudicial executions to act on both Burundi and Rwanda, the cycle of violence would never be broken.

44. Mr. SOTTAS (World Organization against Torture) said that, on Tuesday 24 May 1994, his Organization had arranged a meeting of independent personages to seek ways of ending the atrocities being committed in Rwanda and of establishing a lasting peace in both Rwanda and Burundi. After hearing all the interested parties, those personages, namely, Mr. Hessl, Mr. Ndiaye, Mr. Ouedrago, Mr. Voyame and the Most Reverend Desmond Tutu, had appealed to all the parties involved, both civilian and military, to put an immediate end, without any prior conditions, to the killings of the civilian populations in Rwanda, to release all hostages and to stop obstructing the work of the humanitarian organizations and institutions. They had demanded that the media should immediately cease calling for murders and violence and had asked the Western countries to provide exceptionally large amounts of humanitarian, economic and financial assistance without delay and to make sure that it went directly to the populations affected. They had demanded that the States trading with Rwanda and Burundi should stop encouraging those countries to arm themselves at excessive cost given their scanty resources, which should be used as a matter of priority for meeting their peoples' basic needs.

45. General and impartial disarmament of the militias in those countries and a vast mine-clearance operation must be conducted. All interested parties should attach greater importance to dialogue and, with the help of United Nations representatives, special rapporteurs and experts, foster the establishment of institutions respecting fundamental rights. A State subject to the rule of law, in the spirit of the Arusha Accords, should be introduced forthwith and encouragement given to all initiatives aimed at strengthening civil society and the participation of the grass-roots communities, ensuring serious and effective protection of minorities, establishing an impartial and solid judicial system and reorganizing the security forces so that they would protect the people with complete impartiality and respect for the law. There was also a need to establish mechanisms to prevent violations of fundamental rights and combat the impunity that had fed intercommunity hatred in recent years.

46. The Most Reverend Desmond TUTU (World Organization against Torture) said that he came from a country where, only five years previously the police did not hesitate to open fire on anti-apartheid protestors with real bullets. Yet the people who had deeply suffered from apartheid, especially Nelson Mandela, who had spent 27 years in prison, had sat down at the negotiating table to construct a non-racist South Africa led by a Government of National Unity. Action by the international community had made a major contribution to the success of the country's transition towards democracy. What the international community had done for South Africa and Namibia it could also do for Rwanda, which was experiencing an appalling tragedy. The pictures of mutilated children and of bodies thrown into rivers could never be forgotten. It had been asserted that the situation in South Africa was insoluble and that the obstacles could not be overcome. Yet, if the South Africans could become reconciled and have the same President, the same flag and the same national anthem, then that was possible everywhere, not excluding Rwanda. In conclusion, he urged the parties in conflict to sit down at the negotiating table and find a solution for the good of their people, their children and their country.

47. Mrs. KABENGERA (Women's International League for Peace and Freedom) said that the purpose of her testimony was to inform the Commission of the details of the tragedy she had experienced in Rwanda, so that appropriate assistance could be given to the survivors and such situations avoided in the future in any country whatsoever.

48. She had been resident in a working-class quarter of the university city of Butare in southern Rwanda. After President Habyarimana's death on 6 April 1994, refugees from Kigali had told of massacres committed by the Presidential Guard and militiamen. Other refugees from Gikongoro, west of Butare, had told of masked killers travelling around in vehicles with governmental licence plates, acting in the full light of day. At the same time, the national radio station had been transmitting messages from President Sindikubwabo congratulating and encouraging the youth for helping the national army to hunt down the enemies and their accomplices. On Wednesday 20 April, the inhabitants of Butare had learned that massacres and looting had taken place in the town the night before. All the sources had indicated that the perpetrators were members of the army and the gendarmerie accompanied by a few civilians, mainly CDR militants, who had pointed out the victims' homes. Every night, neighbourhood meetings had been held in the rural communes and working-class quarters from which the Tutsis had been excluded. At those meetings, local leaders told fabricated stories according to which the Tutsis were planning to wipe out the Hutus on the following day at the latest. On Thursday 21 April, her mother, her only brother, her uncles, aunts, nephews, nieces and cousins had been gathered together on a plain and massacred with grenade-launchers and machine-guns from the surrounding hills; the wounded and survivors had been finished off by civilians. Two of her sisters-in-law - who had been spared because they were Hutus - had been chased from their home by their neighbours who wanted to appropriate their goods and lands. About 24 April, people who had come out of hiding, deceived by the soothing speeches of the Government and local authorities, had been murdered. On 4 May, the massacres had resumed, the victims that time being mainly women and girls, since the men and boys had been the first to be liquidated. On 11 May, thanks to help from her Swiss family and action by the Federal Department of Foreign Affairs, she had been able to leave Rwanda after weeks of anguish.

49. Her organization appealed to the Commission to act to ensure that adequate humanitarian assistance was brought to the victims as soon as possible, both inside and outside Rwanda. It recommended that the Commission should appoint a special rapporteur who, with the help of a team of experts, would immediately begin a thorough inquiry into human rights violations in Rwanda. The aim of the inquiry would be to identify the instigators and perpetrators of the genocide of which the Batutsis had been the victims and of the massacres of political opponents, Bahutus and others; to study the root causes of the killings in Rwanda and to make recommendations for correcting the inadequacies in the international human rights protection system. She also asked the Commission to recommend to the United Nations General Assembly the establishment of an international tribunal to try the perpetrators of the crimes committed in Rwanda.

50. Mrs. DESFORGES (Human Rights Watch Africa) said that it was not pleasant to speak of genocide, but that that was the right name for the horror in Rwanda. All must have the courage to use it. The massacres had been carefully prepared for months. Once the killers had been found, they had been trained, armed and psychologically prepared for action by hate-filled propaganda. Those targeted had tried in vain to notify diplomats, members of UNAMIR and staff of the international organizations in Kigali of the impending disaster. The goal had been the elimination of the Tutsis from Rwanda. The militias had systematically combed the regions in search of their victims. Perhaps half a million people (6 per cent of the national population) had been killed in a period of six weeks. The prior organization, the systematic nature and the scale of the massacres proved that the intent of the authors had been to destroy, in whole or in part, the Tutsis as a group within Rwanda. Other massacres had been committed earlier. Denounced by local and international human rights organizations, they had passed largely unnoticed by the international community, including the Commission on Human Rights. Unpunished, the killers had acted again, and everyone knew the results.

51. The authors of the Convention on the Prevention and Punishment of the Crime of Genocide had provided the international community with a weapon for combating that most loathsome of all crimes against humanity. The question was whether the international community would dare to use it. Any weakness on its part would send a message of encouragement to others who might be contemplating the same strategy, perhaps in Burundi. Calling people by their names was just as important as calling things by their names. Thus the people who had the power to end the killings should be named and challenged to do so: they were the party officials (Matthieu Ngirumpatse, President of the MRND, and Jean-Bosco Barayagwiza, head of the CDR), those with posts in the self-proclaimed Government (Theodore Sindikubwabo, Jean Kambanda, Augustin Bizimana, Justin Mugenzi and Eleazar Niyitegeka) and the military officers (General Bizimungu, Colonel Bagosora, Colonel Nkundiye, Colonel Mpiranya and Captain Simbikangwa). The Rwandese Patriotic Front had also been accused of massacring civilians, but her organization had found no evidence of large-scale massacres. It was not unlikely, however, that the FPR had summarily executed some individuals accused of being militia leaders.

52. She called upon the Commission on Human Rights to condemn the massacres of Tutsis by the militias and military in Rwanda as genocide; to condemn the systematic slaughter of Hutu members of the opposition as a violation of international humanitarian law; to call upon those responsible to end the genocide and other killings; to insist that impunity must not be granted to the accused as part of a peace settlement and, to that end, to delegate a representative to the peace talks to ensure that no deals were made with those accused of genocide; to ensure that the accused were brought to trial; to send a special rapporteur to investigate and report on the genocide and other violations of international humanitarian law; to call upon the FPR to take the necessary measures to protect civilians in the areas under its control; to ensure that all accused of complicity in genocide or other violations of international humanitarian law were arrested and to call upon the Member States of the United Nations to pledge not to recognize any regime that came to power through genocide.

53. Mr. TEITELBAUM (American Association of Jurists) said that, at its special session, the Commission should not simply express horror at the massacres being perpetrated in Rwanda and appoint a special rapporteur to count the victims. It must also adopt measures aimed at putting an end to the killings and combating the roots of the problem, which were social, economic, political and geopolitical. Unfortunately for Rwanda, it was located in Africa, a continent that had been being systematically looted for centuries by the large- and medium-sized Powers. Up to the late 1970s, many African countries had been making progress in the economic and social sphere, but the alliance of the neo-colonial Powers with the dominant élites of many of those countries had brought about a deterioration in the economic and social situation of a large part of the continent. That situation that had further deteriorated in the 1980s, because of the structural adjustment policies imposed by the IMF and World Bank despite the fact that the large- and medium-sized Powers had a trade surplus with Africa. The United States Under-Secretary of State for African Affairs had even stated before his country's Senate that the United States should guarantee itself access to the immense natural resources of Africa.

54. The Government of President Habyarimana - which had always enjoyed the support of the neo-colonialist Powers, especially France - had stirred up inter-ethnic conflicts by identifying all members of the opposition with the Tutsis, whether they were Hutus or Tutsis. As the Special Rapporteur on summary executions stated in his report on Rwanda, the Government had deliberately labelled the Tutsis in their entirety as accomplices of the Rwandese Patriotic Front, thus maintaining a climate of mistrust and terror that had led to the massacre of thousands of civilians. If Africa had been bled white, however, that was because it had been looted with the complicity of certain corrupt local élites which kept themselves in power with the military and economic aid of the neo-colonial Powers.

55. The massacres in Rwanda could be ended by sending not a war mission, as in Somalia, but a peace mission led by skilled negotiators representing the international community and not a single Power or group of Powers. The special rapporteur to be appointed should be an independent personage who would inquire not only into human rights violations but also into the social, economic, political and geopolitical causes of those violations. He should be aided by a team of experts to determine responsibilities, including those of individuals and foreign countries, if necessary, with regard to the atrocities committed, and recommend ways of preventing their perpetrators, accomplices and instigators from going unpunished. The Commission should also demand that the military support provided by certain Powers to those dictatorial regimes that still remained in Africa should be ended, that the assets and property held abroad by the leaders of those regimes - who had amassed huge fortunes by exploiting their people - should be seized, that the foreign debt of the poorest countries should be cancelled and that Africa should be given massive assistance in the health and economic sectors. In conclusion, he said that the special session should not be used simply to appoint a special rapporteur and organize technical assistance in the field of human rights. The Commission should also use the opportunity to look into the economic, social and cultural problems facing Africa.

56. Ms. GONZALES (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that the genocide currently taking place in Rwanda had been premeditated and was being carefully executed, stage by stage. The successive waves of killings that had preceded the current genocide had been denounced by various human rights defence organizations and, in August 1992, the Sub-Commission had decided to transmit the Rwanda file to the Commission. At the Commission's 1993 session, various non-governmental organizations had again sounded the alarm regarding the dangers threatening the country. Three of those organizations had submitted to the Commission the findings of an International Commission of Inquiry that they had held in Rwanda. They had, in particular, denounced the slaughter taking place in the country. The Rwandese delegation had, quite cleverly, deflected action by inviting the Special Rapporteur on summary executions to visit Rwanda.

57. A year later, at the Commission's fiftieth session, the NGOs had repeated their warning. The Special Rapporteur on summary executions had submitted a report clearly establishing the responsibilities of the armed forces of Rwanda in general and the militias and Presidential Guard in particular. At the end of his report, the Special Rapporteur had addressed a series of recommendations to the Rwandese Government, asking in particular for the immediate establishment of a mechanism to protect the population against massacres, for support to be given to the local NGOs working to protect human rights, for a national reconciliation campaign to be launched, for a reform of the judicial system to be begun, for impartial and objective inquiries to be made into the massacres, for all organizations using violence to be disbanded and for impunity and arbitrary detentions to be brought to an end.

58. Unfortunately, the Commission had decided to keep the case of Rwanda under review for one more year. Only 25 days later the most atrocious war of the century had broken out. The international community had failed in its duty to prevent that bloodbath when there had still been a chance to do so. She wondered whether it was trying to atone for its failure by convening a special session. In any event, it should take immediate and effective decisions to put an end to the killings. If there was a genuine political will to end the war, the first thing to do was to listen to the parties in conflict. It was impossible to have an objective idea of the causes of the tragedy with only one version of the facts.

59. Mrs. BRUCE (International Catholic Child Bureau) drew the attention of the Commission on Human Rights to the plight of children, who as usual were the innocent victims of a conflict between adults. No one knew how many had been killed, and many of those who had escaped death had become orphans and were facing life alone. The children still alive needed not only emergency measures to meet their physical requirements but also programmes to address the trauma caused by the atrocities they had witnessed. Measures taken for the benefit of Rwandese children should thus give priority to their psychological needs.

60. One of the partner agencies of the International Catholic Child Bureau, together with other NGOs, was planning for a possible influx of Rwandese refugees. ICCB's counsellors on the spot were preparing to give emergency counselling to the new refugees, who had suffered indescribable trauma, and, in particular, the unaccompanied children who might arrive with them. She urged the Commission on Human Rights to act promptly so that the populations which had suffered so greatly - in mind and in body - would receive the care to which they were entitled.

The meeting rose at 1 p.m.

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COMMISSION ON HUMAN RIGHTS

Third special session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 25 May 1994, at 3.30 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

Letter dated 9 May 1994 from the Permanent Representative of Canada to the United Nations Office at Geneva addressed to the High Commissioner for Human Rights (continued)

Report to the Economic and Social Council on the third special session

Closure of the session

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GE.94-12792 (E)

The meeting was called to order at 4 p.m.

LETTER DATED 9 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF CANADA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/S-3/2 and 3; E/CN.4/1994/7/Add.1)

1. Mr. WADLOW (International Fellowship of Reconciliation) identified the three most immediate needs for meeting the crisis in Rwanda: to bring support to persons uprooted and suffering within the country and on the frontiers; to encourage an immediate cease-fire and a return to the rudiments of civil order; and to encourage an end to the conflict so that new civil leadership could come to the fore.

2. His organization had also developed a six-point proposal for the reconstruction of Rwandese civil society. First, the Commission on Human Rights should appoint a special rapporteur for Rwanda, who would play a crucial role in the coordinated efforts of the United Nations for assistance to refugees, the establishment of the rule of law and the reconciliation of factions and groups. Second, the special rapporteur's mandate should include observation of the situation in the neighbouring States where tensions could grow. Third, there was a need to institutionalize long-term acceptable modes of preventing, managing and resolving conflict within the State. That required improved techniques of analysis, fact-finding based on objective information and training. One example of the lack of accurate data was the fact that, for political reasons, the 1978 national census had never been published. Fourth, development must be planned with conflict reduction and social integration in mind, as all the best-laid development plans could be destroyed by violence. Fifth, there was a need to create an enabling political environment that would guarantee human rights, the rule of law, the accountability of those who held public office and the non-violent exercise of political and social opposition. Sixth, a democratic society and the rule of law required a vital civil society based on popular participation in the process of government and development. Such a renewed civil society must be the aim in Rwanda.

3. Unfortunately, turning-points in Rwandese history had always been accompanied by violence. Ending such a cycle of violence would not be easy, but it was the task that faced everyone. The special session must set itself clear short-term and long-term goals. The Commission's record in the crisis in the former Yugoslavia should remind it that all must work together in a coordinated and constant way to make headway against the currents of death.

4. Mr. GASANA (International Federation of ACAT (Action of Christians for the Abolition of Torture)) expressed his organization's indignation at the genocide being waged against a component of the Rwandese population, the extermination of the political opposition and the total disregard for the law that had prevailed in Rwanda since the night of 6-7 April 1994. It should be emphasized that the current crimes against humanity in Rwanda were the result of impunity for those who had committed such crimes at several points in Rwanda's past, with no intervention either by the Rwandese State or the international community.

5. He had been born in Rwanda, to a Tutsi father, 46 years earlier; 32 of those years had been spent outside his native land. All the members of his extended family who had been living in Rwanda had been killed or were missing, including his older brother, a professor at the national university, who had been killed on 21 April 1994 by trainees of the Rwandese army with the blessing of the new commander of the local barracks. His brother had not been known as a member of the opposition and had even held functions in the ruling party in Rwanda, but had been killed, together with 200,000 other persons, by people whose avowed intention was the complete destruction of the ethnic group to which they belonged. International law had no other name for such a crime than genocide.

6. In the past four years, he had coordinated the activities of the Committee for the observance of Human Rights and Democracy in Rwanda, based in Brussels, a post that had enabled him to supervise several investigatory missions to Rwanda. As the reports of those missions and that of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7/Add.1) had had no effect on the decisions of the Commission, it was difficult for him to hide his scepticism after listening to so many well-meaning speeches earlier in the session.

7. What needed to be done was simple, but did the members of the Commission have the necessary political will? It must be clearly stated that the Convention on the Prevention and Punishment of the Crime of Genocide applied to the crimes against humanity being committed in Rwanda and a special rapporteur for Rwanda should be appointed and provided with a team of human rights observers and adequate means to conduct an exhaustive inquiry throughout Rwandese territory. The special rapporteur would individually identify those who had ordered and participated in the genocide and other crimes against humanity within the high command of the Rwandese armed forces, the leadership of the Mouvement révolutionnaire national pour le développement (MRND) and the Coalition pour la défense de la République (CDR), the so-called interim Government set up as a result of the crimes and every other relevant institution. The special rapporteur's report should be considered at a further special session of the Commission to be held within the next three months.

8. Survivors, refugees and displaced persons must be given assistance on a large-scale basis. Rwanda must be helped to set up domestic courts capable of trying genocide and crimes against humanity and the Security Council must establish an international ad hoc tribunal to try those responsible for the crimes if they managed to avoid the domestic courts of the States parties to the Convention.

9. Ms. TOM (Caritas Internationalis) said that the Caritas network, which comprised 125 national organizations, was currently active in Rwanda, the United Republic of Tanzania, Burundi and Zaire. At the session of its Executive Committee held in Rome from 9 to 13 May 1994, grave concern had been expressed with regard to the appalling situation in Rwanda and a statement had been issued on behalf of the Caritas network by the President and the Vice-President for Africa, of which she read out a few extracts.

10. The statement indicated that it was the responsibility and duty of the international community to stop the killing of innocent civilians in Rwanda and to provide humanitarian assistance to the victims of the conflict. Caritas called on the Rwandese Government, the soldiers and military authorities, the local militias and the Rwandese Patriotic Front (RPF) fully to respect the human rights of all Rwandese, to cease the killing of civilians and to negotiate an immediate cease-fire. It also called on the United Nations, the Organization of African Unity (OAU) and all nations of goodwill to bring every effort to bear to revive dialogue among the parties to the conflict.

11. It was essential to protect the civilian population and refugees from harm, ensure that asylum-seekers could leave the country and guarantee access for humanitarian assistance. All parties to the conflict should reaffirm their firm commitment to the Arusha agreements and diplomatic negotiations with the support of the international community, which were the essential conditions for a new mandate for the United Nations Assistance Mission to Rwanda (UNAMIR). With those conditions, humanitarian aid for immediate and longer-term needs could be organized and increased.

12. Mr. GAKUMBA (Movement against Racism and for Friendship among Peoples) said that he was an activist with the Rwandese Association for the Defence of Human Rights and had escaped the massacres occurring in his country with the help of the Swiss Overseas Cooperation Service. The massacres that had begun in Kigali had been preceded by a campaign orchestrated by the State-controlled media and a private radio station, Radio-Television Libre des Mille Collines (RTMC), controlled by the deceased President. The media had called for the assassination of those they called the enemies of the nation, i.e. persons registered as Tutsi, members of the opposition parties and former human rights prisoners accused of being RPF sympathizers. Such persons had been continually attacked and assassinated even before the massacres had begun, and pre-established lists of people designated to be killed had long been in circulation.

13. The day after the President's death, government officials had conducted radio broadcasts declaring a state of emergency and calling on the Hutu population to hunt down the so-called enemies of the nation. The radio station had continued to exacerbate the situation by calling on the people to avenge the President's death by exterminating members of the opposition, especially the Tutsi. Days of terror had ensued with the military searching neighbourhoods and killing entire families after checking their identity papers and party membership. On barricades set up by the military throughout the city, he had seen people seated with their hands tied behind their backs, waiting to be massacred, crying out for help while United Nations peace-keepers stood passively by.

14. He himself had managed to find refuge in the French embassy, which had only agreed to accept him on the guarantee of the Swiss embassy. Once inside, he had been astonished to see the leaders of the Rwandese regime and their families, including the ministers and deputies of the President's party, the President's in-laws, the director of RTMC and RTMC station staff known for their encouragement of the massacres - while he personally knew of cases where embassy employees and employees of the French Cultural Centre had been refused

help by their employer! The leaders of the regime would go out every day under military escort to take stock of the killings and return to discuss who should be killed and which neighbourhoods cleansed. The night he had spent in the French embassy had been one of the most terrible of his life.

15. If people were dying in Rwanda, it was not because of the war between the RPF and the government army. The genocide, which had been prepared long before, was occurring even in regions that had been spared by the fighting. As long as emphasis was placed on cease-fires and negotiations rather than punishing the criminals, impunity would continue to reign and the massacres would only recur.

16. Mr. ABRAM (World Jewish Congress) said that unchecked and unpunished carnage such as that taking place in Rwanda dulled the senses, paralysed effective action and encouraged future tragedies. Those terrible crimes cried out for swift and decisive punishment. Whether the criminals answered to charges under the Geneva Conventions, whether the people in de facto control of the territory should be tried and hanged as Japanese officials had been in the 1940s or whether the Security Council established an ad hoc criminal tribunal under Chapter VII of the Charter of the United Nations, those crimes must not be allowed to go unpunished. Rwanda was simply the latest case proving the necessity of a credible and enforceable international system of criminal justice.

17. Ms. NEDRY (Centre Europe-Tiers Monde) said that in recent years her organization had repeatedly denounced the deterioration of human rights in Rwanda. The appalling events that had taken place had been prepared long before and could have been avoided to a large extent. Presenting the conflict as rivalry between the ruling party and the RPF or as a tribal confrontation between the Hutu and the Tutsi was not only misleading but hypocritical. Political responsibilities for the massacres must be clearly established. At the domestic level, they were entirely attributable to the clan of the deceased President, which no doubt feared losing some of its prerogatives and privileges after the Arusha agreements. The killings had been planned in cold blood and were part of a genocide campaign precisely targeted by those in power, not against the Tutsi as such but against all the democratic opposition forces.

18. At the external level, the authorities of certain countries, and the arms dealers they often represented, had direct responsibilities in the unfolding of the tragedy, beginning with France, which had consistently supported the dictatorial Government and trained and supplied its army.

19. Her organization endorsed the proposals made, in particular the appointment of a special rapporteur and the sending of observers. In addition, urgent and effective measures should be taken to prevent any further weapons from being delivered to the country, in particular to the Rwandese governmental army, and to ensure that the perpetrators of the crimes were tried under international supervision.

20. Mr. NKUBITO (Centre Europe-Tiers Monde) said that during his judicial career he had had the opportunity to witness at first hand the treatment meted out to opponents of the regime in Rwanda and that, since he too had fallen

foul of the authorities, he could testify personally to the abuses of power and inhuman punishment. His experiences had moved him to become a human rights activist in an attempt to restore justice. His professional career and moral stance had not been to the liking of the authorities and had in fact been a constant thorn in their side. The President's party had officially accused him of being an enemy of the head of State particularly in view of his work with the international bodies examining human rights violations in Rwanda in collaboration with the International Federation of Human Rights and Africa Watch. The situation had been exacerbated when he had decided to arrest someone close to the presidential family who was misappropriating humanitarian aid. However, before the case could come to court, an attempt had been made on his life while at the same time the accused had been freed from detention. Before the assassination of the President, the RTLM had broadcast a false report stating that he had received $25 million to carry out that assassination. His complaint for slander had made him a wanted man.

21. Friends in the military had informed him that people were going to die for a fascist, regionalist ideology that they did not understand. One minister had stated just that at a meeting, only to be assassinated a few days later. The same military friends had informed him of when he and his family were due to be executed and had evacuated them; with the help of the Burundi League for the Defence of Human Rights (ITEKA) he and his family had survived.

22. Since 1990, the spectre of genocide had been hovering over Rwanda. The present crisis involved the Rwandese military massacring civilians, and the military fighting against the RPF. The genocide currently under way was a planned campaign designed to intimidate the RPF by taking Tutsi hostages and to prevent the implementation of the Arusha peace agreements providing for power-sharing. The conflict had been mounted by those holding power and privileges against opposition democrats and Tutsi who wanted change, as well as all members of civil society.

23. The Commission should take all necessary measures to ensure that those responsible for genocide and crimes against humanity were punished, for the sake of the hundreds of thousands of people who had fallen victim to the massacres and all those who had survived.

24. Mr. CUNNIAH (International Confederation of Free Trade Unions) said that, following the appalling expulsion of violence after the tragic deaths of the Presidents of Burundi and Rwanda, ICFTU had written to the Secretary-General of the United Nations requesting him to take urgent measures to restore peace and order and to prevent the massacre of hundreds of thousands of innocent people, including women, children and elderly persons, in Rwanda.

25. The violence in Rwanda was on an unprecedented scale and the daily television pictures of thousands of corpses had provoked indignation and a sense of horror in workers throughout the world. Many of the victims had been members of ICFTU.

26. The courage and determination shown by the United Nations High Commissioner for Human Rights in visiting Rwanda to see for himself the gravity of the situation and call on those involved to end hostilities and human rights violations should be commended.

27. ICFTU condemned the Security Council's decision of 21 April 1994 to reduce the UNAMIR force in Rwanda despite the rampant violence across the country. Fortunately, on 17 May, it had authorized the deployment of up to 5,500 troops.

28. The Arusha agreement provided a firm foundation on which to restore peace and work out a durable solution to the conflict. The international community had a duty to work towards a cessation of hostilities and a renewal of the peace process.

29. An investigation needed to be launched to determine who had ordered or carried out the assassination of the Presidents of Rwanda and Burundi and the massacre of hundreds of thousands of civilians. International assistance was also urgently needed to help the displaced populations within Rwanda and those who had taken refuge in neighbouring countries such as the United Republic of Tanzania, Uganda, Burundi and Zaire.

30. ICFTU fully supported the recommendations in the report of the United Nations High Commissioner for Human Rights (E/CN.4/S-3/3), particularly with regard to the appointment of a special rapporteur and the creation of a team of human rights field officers who would act in close cooperation with UNAMIR and other United Nations agencies. United Nations efforts should be accompanied by the implementation of a vast technical assistance programme to encourage national reconciliation and reconstruction and the protection of human rights.

31. Mr. GORMLEY (OXFAM (Oxford Famine Relief Organization)) said that OXFAM had been working in Rwanda for some 30 years. Its work focused mainly on promoting the creation of a civil society based on mutual respect and understanding. The organization was concerned about the fate of 11 Rwandese colleagues and their families, as no news of them had been received for some time. Since April 1994, Rwandese working for human rights organizations and other human rights and democratic activists had been prime targets in the conflict. OXFAM was also working in neighbouring countries and planned, in the near future, to restart its work in Rwanda, where the need was greatest. It deplored the systematic violation of human rights and the slaughter of civilians and others.

32. OXFAM's recommendations to the Commission, the Security Council, Member States and the international community at large included the adoption of a resolution by the Commission which recognized that genocide was taking place in Rwanda and called upon the Security Council to take appropriate action pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide. Under that Convention, all guilty parties should be punished, whether they were constitutionally responsible rulers, public officials or private individuals.

33. Furthermore, the Security Council should establish an international tribunal, including local experts nominated by OAU, which should operate according to international standards and guarantees for fair trial and due process. In addition, the Commission should urge the Security Council to authorize the urgent dispatch of 5,500 United Nations troops to Rwanda with a mandate to provide security and support for the distribution of relief

supplies and humanitarian relief operations, and to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, not only in Kigali but also elsewhere. All United Nations troops and other personnel should at all times abide by the highest standards of international humanitarian and human rights law.

34. The Commission should further recommend the redeployment of United Nations civilian monitors, whose numbers should be substantially increased. Both UNAMIR and United Nations civilian monitors should be able to enter Rwanda overland from Burundi, Uganda and Zaire. The Commission should remind all United Nations troops, UNAMIR personnel and civilian monitors to be aware of their obligation to report any human rights violations encountered while carrying out their peace-keeping duties. The Commission should immediately appoint a special rapporteur for Rwanda (and one for Burundi to prevent the situation there from deteriorating any further). Given the large-scale population displacement both within and beyond Rwanda's borders, the Commission should urge the international community to provide additional resources to enable the Office of the United Nations High Commissioner for Refugees (UNHCR) and the specialized agencies to respond effectively to the overwhelming humanitarian needs.

35. Mr. SOBKHONA (Mauritania) welcomed the valuable visit to Rwanda by the United Nations High Commissioner for Human Rights, who had then been able to provide essential information to the Commission. His report and others from non-governmental organizations (NGOs) and the media all testified to the fact that systematic, widespread and flagrant violations of human rights and international humanitarian law were taking place in Rwanda.

36. The magnitude of the problems in Rwanda posed a threat to international peace and security, which was being addressed by the United Nations Security Council. However, the Commission also had an important role to play in encouraging efforts to end the massacres and re-establish peace in Rwanda. Any solution had to cater to the three dimensions of the problem. Firstly, at the humanitarian level, a rapid and adequate response had to be found to the needs of hundreds of thousands of displaced persons within the borders of Rwanda and of refugees in neighbouring countries. Secondly, in terms of safety, it was essential to protect innocent civilian populations from the wave of violence in Rwanda. Thirdly, at the political level, the efforts of the United Nations and OAU to find a political solution to the conflict should be intensified. However, despite the efforts of the international community, a durable solution lay in the hands of the people of Rwanda themselves, and above all their leaders. A first step in the peace process would be to impose an effective cease-fire and thus create conditions conducive to a return to the negotiating table. The Arusha peace agreement provided the most appropriate framework for a peaceful solution.

37. Tribute should be paid to the efforts undertaken by the Government of the United Republic of Tanzania, other States in the subregion, OAU, the United Nations and various NGOs, which in extremely difficult conditions were working to relieve the sufferings of the people of Rwanda.

38. Mr. Hee LEE (Republic of Korea) said that the Government of the Republic of Korea associated itself with the condemnations of the flagrant violations

of human rights in Rwanda and commended the initiatives taken by the United Nations High Commissioner for Human Rights. The High Commissioner's report (E/CN.4/S-3/3) fully described the horrors of the situation, and the Government of the Republic of Korea supported the recommendations he had made.

39. The perpetrators should be identified and punished and, for that purpose, the creation of an ad hoc international tribunal, as in the case of the former Yugoslavia, was a valid option. The human rights dimension should be included as a vital component in the peace-building process in Rwanda.

40. Mr. OMAR (Observer for Ethiopia) said that his delegation joined with others in expressing its profound indignation at the killing and massacre of innocent civilians in Rwanda. The Transitional Government of Ethiopia was deeply concerned that the hostilities between government forces and those of the RPF were causing enormous suffering to the people of Rwanda. Furthermore, there was concern over the exodus of thousands of refugees to neighbouring countries.

41. In view of the massive internal displacement of the population, the Transitional Government of Ethiopia supported the OAU resolution calling for an immediate cessation of hostilities between the two parties so that the civilian population could receive humanitarian relief and medical assistance. It also supported the decision of the United Nations Security Council to send peace-keeping forces to Rwanda and to strengthen UNAMIR, which was an essential element in restoring law and order in Rwanda, and the full implementation of the Arusha peace agreement which provided a basis for a negotiated settlement. Ethiopia was willing to contribute to the peace-keeping force. Tribute should be paid to the initiative of the Government of Canada in proposing the holding of a special session of the Commission, to the courage of the United Nations High Commissioner for Human Rights and the quality of his report (E/CN.4/S-3/3), to the valiant work being carried out by the staff of humanitarian organizations to protect and assist the victims of the violence in Rwanda, and finally to the efforts of the countries neighbouring on Rwanda.

42. Mr. DAHINDEN (Reporters without Borders-International) said that his organization, an independent body working to defend the freedom of the press throughout the world, called on the Commission to condemn the role played, since the beginning of the massacres, by Radio-Television Libre des Mille Collines (RTLM) and to demand that the authorities in Rwanda close it down immediately.

43. The RTLM had served as the propaganda arm of Hutu extremists and the militias at the outbreak of the massacres and had since continued its war of words. As a result, several hundreds of thousands of innocent civilians had been killed in the space of just several weeks. The RTLM incited hatred and violence against the Tutsi and Hutu opponents and against the supporters of the Arusha peace agreement. Many of those to have escaped the tragedy in Rwanda had put the blame for the bloodshed in Kigali firmly on the shoulders of the RTLM.

44. The RTLM was guilty of violent and provocative language such as the "cleansing of the Tutsi", the meaning of which was not difficult to guess.

Similarly, it had urged the population to avoid committing the same errors as in 1959 and 1960 when, during ethnic massacres, children had been spared. The radio station was providing inspiration for the militias, sometimes made up of 14- and 15-year-old children, who were heavily armed and in a position to decide on the right to live or die of persons who crossed their path.

45. The station had been officially launched in August 1993 and its statutes stipulated that it was to contribute to the education of the people and provide them with just, objective and varied information. The practical implications of those principles had since become clear. The RTLM was taking advantage of the freedom of the press to create an effective propaganda instrument for Hutu extremism. Of even greater concern was the fact that the station was the most important in Rwanda and provided the only source of information for the majority of the population.

46. The station's initial backers included many dignitaries of the party of the assassinated President, the MRND, members of extremist parties and ministers belonging to the present interim Government in Rwanda. The main shareholder was Félicien Kabuga, who was known for his sympathies with the Hutu extreme right. Promoters, whose names did not appear officially, included the wife of the former President and her clan which was known as the "Akazu", who had been sheltered by France since mid-April 1994. The "Akazu" had been accused by several human rights organizations of involvement in massacres prior to 1994.

47. The mentor of the RTLM was one Ferdinand Nahimana, a well-known theoretician of Hutu supremacy and the principal ideologist of Hutu extremism. He was a close collaborator of the former President and in 1982 had been personally implicated in radio broadcasts encouraging violence. Even before the bloody events of April 1994, the RTLM had been used to stir up hatred against Tutsi, opponents, Belgians and United Nations forces, whom it had encouraged the population to expel, accusing them of supplying the RPF with arms.

48. If an international tribunal were established to determine responsibility for the genocide and to judge those responsible, it should try the journalists and sponsors of the RTLM. He also urgently called for the establishment of a free radio station in Rwanda, based on local and international NGOs, to play a vital role in halting the massacres and in Rwanda's political reconstruction. Finally, he paid tribute to the NGOs and to the ICRC which had remained on the spot. He urged the international community to act rapidly so as to provide the distressed population with assistance and restore its dignity.

49. Mrs. MUJAWAMARIYA (Pax Christi) said that she and other human rights activists in Rwanda had been assimilated to the political opposition on account of their daily combat to defend human rights. She had personally been the victim of several attempts on her life, and calls for her assassination had been broadcast by the RTLM. On 7 April, she had miraculously survived an assassination attempt by members of the Presidential Guard and had witnessed the killing of over 200 people outside her home.

50. She was filled with despair by the attempts of certain Rwandese to explain the inexplicable rather than acknowledging their guilt and by the

manifest impotence of international institutions to establish order and protect the innocent, despite repeated efforts by NGOs to draw attention to the human rights situation in Rwanda. The Commission had been able neither to contain nor to prevent the disaster, and the only lesson to be drawn was the urgent need to set up machinery capable of preventing such catastrophes.

51. On grounds of dubious legality, the international community guaranteed impunity for certain government leaders whom it knew to be killers or for their accessories. She asked whether that sacrosanct legality counted for more than the tragic experience of their victims. The failure to act and the ineffectiveness or even indifference of the democracies had encouraged the killers in Rwanda to perpetrate their massacres in the open and even to justify them. In response, some members of the international community had not even expressed regret, and United Nations troops, who elsewhere protected civilians, had saved their own lives, leaving a free hand to the murderers of innocent civilians.

52. She was deeply shocked by the cynicism of some States, as illustrated by the decision of the Government of France to earmark FF 200,000 from funds for cooperation with Rwanda to accommodate the family of the former President, while babies, sick persons and the elderly were dying of hunger in Rwanda.

53. The only way to build a future in Rwanda was to ensure that justice was done and to root out impunity, the most fertile breeding ground for future killings. The armed forces were the key to the current crisis. Rather than serving dictatorships, they should exclusively serve the interests of the nation and be imbued with the highest ethical values. The only way for Rwanda's people to reconstruct the country was through tolerance and coexistence. Indignation alone was inadequate; lessons also had to be drawn. In conclusion, she expressed the earnest hope that the events in Rwanda would never again occur anywhere in the world.

54. Mr. BIHOZAGARA (Rencontre Africaine pour la Défense des Droits de l'Homme) said that, although the blood of the victims of the massacres perpetrated by the army of the Government of Rwanda and the militias was not yet dry, the assassins were cynically calling for elections, confident that their "final solution" had physically liquidated all their potential opponents.

55. The genocide perpetrated in April 1994 had been the culmination of a long process of programmed destruction of the Rwandese nation. Rather than designating ethnic groups, the terms Hutu, Tutsi and Twa in fact applied to a homogeneous population which had always inhabited the territory of Rwanda, and described socio-economic categories that had existed before colonization. It was during the colonial period that they had been elevated to racial status to favour the constitution of a Tutsi élite.

56. Independence, in July 1962, had merely reversed the "racial" order. The new leaders had adopted the racist model to legitimize their authority and had subsequently employed persecution, murder and exile as tools of government. Every citizen had been issued with an identity card indicating his ethnic group, which it was otherwise impossible to determine. Waves of massacres had

followed, corresponding to political crises and personal rivalry, without any expression of regret. Ethnic hatred was even advocated in schoolbooks, which glorified the exactions as revolutionary acts.

57. Perhaps because of Rwanda's size, the Rwandese version of nazism had never given rise to the revulsion it deserved. None the less, the only crime of its wretched victims was their "genetic" make-up, which the ideologists of local racism proclaimed to be different. The population of Rwanda had suffered under that system for 30 years while the world remained indifferent. It had lived under a racially based pseudo-democracy in which democratic ideals had been perverted and values undermined with the connivance or complicity of those who planned Africa's misfortune.

58. In October 1990 the Rwandese people had decided to take up arms. Its decision had forced the dictatorship to grant concessions and institute a multiparty system, press freedom and the right of refugees to return. However, the cost of those concessions had been high, and the regime had reacted by filling prisons and common graves. Although the Nazis had acted no differently during the Second World War, the regime's practice of taking part of the population hostage had met with understanding in some foreign spheres. He asked what moral authority could possibly be claimed by a Government that avenged its defeats on its own population.

59. Those who had followed the evolution of the Rwandese conflict over the previous three years realized that the current genocide had been carefully prepared and cold-bloodedly executed. The democratic victories dearly bought by the civilian opposition had led to large-scale massacres or the elimination of individuals under racial or ethnic pretexts. In February 1993 an international commission of inquiry had found evidence of systematic and large-scale brutality, while in his report (E/CN.4/1994/7/Add.1), Mr. Ndiaye, the Special Rapporteur on extrajudicial, summary or arbitrary executions, had been equally explicit regarding the responsibility of Rwandese officials.

60. The determined resistance of the RPF had finally led to the Arusha peace agreement of 4 August 1993, which had theoretically enshrined the reconciliation and pacification of Rwanda. The Arusha agreement had given rise to great hope among the Rwandese people. However, for the regime, it meant abandoning its privileges. The regime had responded by delaying the implementation of the agreement while carefully stirring up racial hatred in preparation for the genocide.

61. The current genocide of the Rwandese people, and essentially of its Tutsi component, had been immediately justified by the alleged anger of the Hutu following the assassination of President Habyarimana, responsibility for which had been attributed by the regime both to the RPF and to the Belgians. The regime had seized the opportunity to set up a Government composed of the most extreme elements.

62. All those abroad who wished to legitimize the regime's barbarity would count among the accomplices of the crimes committed against the Rwandese people. Responsibility for the genocide under way in areas of Rwanda under government control lay with those who hid behind the smoke-screen of a so-called "tribal war" in order to diminish their responsibility for an

allegedly collective crime. No single component of the Rwandese people was responsible for the genocide; it had been committed by a clearly identified group of criminals which had planned its crimes and carried them out with heinous determination. Although it was not possible to bring back the dead, he appealed to the Commission to help to prevent the criminals and their accomplices from hiding.

63. Mr. MARLAND (France), speaking in exercise of the right of reply, said that the French Embassy had given refuge to and evacuated those who had turned to it, approximately 200 persons in all, without distinction on political or other grounds.

The meeting was suspended at 6.40 p.m. and resumed at 8.40 p.m.

64. Mr. SOB (Cameroon), introducing draft resolution E/CN.4/S-3/L.2, said that the 69 original sponsors had been joined by Albania, Cameroon, the Philippines, Slovenia and Ukraine. The draft resolution attempted to address the concerns expressed over the situation in Rwanda at the Commission's special session and incorporated the relevant aspects of Security Council resolution 918 (1994), the report of the Secretary-General (S/1994/565) and the report of the United Nations High Commissioner for Human Rights (E/CN.4/S-3/3). The sponsors had also drawn on previous resolutions of the Commission on the same issue. Despite the lack of time, the draft resolution had been the subject of intensive consultations among delegations, many of which should be thanked for not insisting on their objections in the interests of consensus.

65. Mr. LEBAKINE (Secretariat) said that Guatemala and Nicaragua should be added to the list of sponsors.

66. Mr. STRATTON (Observer for Rwanda) expressed his Government's appreciation of the diligent attempts by the international community to put an end to the tragedy besetting Rwanda since October 1990.

67. However, his Government had serious reservations about the preambular paragraph of the draft resolution criticizing the failure of the Rwandese authorities to condemn the ongoing massacres in the country. It was also concerned over operative paragraphs 6 and 7. It was unjustified to reproach the authorities without having failed to stop the ongoing massacres in the country, as the new Government's first concern after its Constitution, on 9 April 1994, had been to end the massacres. Operative paragraph 7 was indulgent to the RPF, as it merely called upon it to prevent persons under its command from committing human rights abuses and violations of international humanitarian law, and contained no condemnation of the violations which the RPF had already committed.

68. Mr. PEREZ NOVOA (Cuba) said that his Government was deeply concerned by the tragic events in Rwanda and agreed with the statement made by the representative of Zambia, on behalf of the African Group, that the essential requirements to end the conflict were a cease-fire, dialogue and negotiation between all the parties, full support for the important role of the OAU and full implementation of the Arusha peace agreement. It also believed that the

people of Rwanda themselves had to find a solution to the conflict; otherwise the hostilities would continue, as in other conflicts addressed by the Commission meeting in special session.

69. Draft resolution E/CN.4/S-3/L.2 posed a dilemma. The Commission could not fail to act in such a serious situation, which affected the rights and survival of thousands of human beings, but adopting the text meant agreeing to concepts that some countries, taking advantage of extreme situations, were attempting to impose and that his country had systematically opposed in all forums. The proposed linkage with the Security Council was totally unacceptable, as was the introduction of concepts related to preventive diplomacy and the possible establishment of an international tribunal. It was senseless, moreover, to apply the same remedies to different illnesses, particularly when they had already failed in previous cases.

70. Considering the gravity of the situation and the views of the countries of the region, Cuba would not stand in the way of adoption of the draft resolution. However, had a vote been called for, his delegation would have voted against the ninth, nineteenth, twentieth and twenty-first preambular paragraphs and operative paragraphs 11, 23 and 24, as well as the reference to the Security Council at the end of operative paragraph 20.

71. Mr. LEBAKINE (Secretariat) said that the preliminary estimates at full cost of the requirements related to the implementation of the activities envisaged under the draft resolution amounted to approximately US$ 1,050,000 for the period from June to end December 1994 and US$ 240,000 for the first two months of 1995. Practical and other arrangements regarding the actual implementation of the draft resolution would be worked out shortly.

72. A statement concerning the administrative and programme budget implications of the proposals contained in the draft resolution would be submitted to the Economic and Social Council at its next session in the context of the Council's review of the report of the Commission on its 1994 sessions. In the intervening period, since the draft resolution contemplated the immediate appointment of a special rapporteur and requested the rapporteur to provide a report within four weeks of the adoption of the draft resolution, it was the intention of the Secretary-General to seek the concurrence of the Advisory Committee on Administrative and Budgetary Questions for entering into financial commitments based on actual needs related to the immediate resource requirements, under the procedure pertaining to unforeseen and extraordinary expenses, pending the appropriation of additional funds by the General Assembly towards the end of the year.

73. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/S-3/L.2 without a vote.

74. It was so decided.

75. The CHAIRMAN invited members of the Commission wishing to do so to explain their positions following the adoption of the draft resolution.

76. Mr. GANAPATHY (Malaysia) said that his country fully sympathized with the suffering of the people of Rwanda and had supported the convening of the

special session, which was a testimony to international solidarity with that people and an expression of the Commission's determination to promote and protect human rights wherever they might be threatened. Its resolution would have ramifications beyond the borders of Rwanda and the continent of Africa, and must be founded upon consensus.

77. Although there were valid exhortations in the text of the resolution, his delegation would have liked the Commission to act within its own mandate and not become a distant echo of the Security Council, which had not always acquitted itself with credit in the area of conflict resolution. The session, moreover, had hardly been called to break dangerous new ground through standard-setting or by establishing precedents. The suffering masses of Rwanda were not looking for standards or precedents; they needed humanitarian relief - food and medicine, as well as action to guarantee the right to life.

78. His delegation had endeavoured to contribute to a broad consensus, but the drafting exercise had proved much more contentious than anticipated and some of the issues remained unresolved. His delegation had reservations particularly with regard to operative paragraphs 20, 23 and 24, but felt that it would serve no purpose to prolong the debate. Of immediate importance were the operational aspects of international efforts to stop the carnage and improve the situation on the ground through the coordination of international relief efforts. Although the resolution lacked focus in that regard, his delegation was willing to go along with the consensus. However, it would like its reservations to be placed on record.

79. Mr. ALAEE (Islamic Republic of Iran) said that his delegation would have liked to co-sponsor the draft text but had been unable to do so because of the wording of operative paragraph 11. It did not believe that it was appropriate for the Commission to welcome such action by the Security Council, at least at the current stage, but had not insisted on the amendment of that and other paragraphs, as the African Group had supported the resolution by consensus.

80. Mr. KHOURY (Syrian Arab Republic) said that his delegation always supported draft resolutions submitted by the African Group reflecting the concerns of the peoples of that continent. It would therefore have liked to join the co-sponsors of the resolution just adopted, and in that context had explained its viewpoint in the informal consultations regarding the independent role of the Commission vis-à-vis the Security Council in addressing human rights issues, as well as its position of principle on the deployment of a team of human rights field officers and also the need to secure the agreement of the State or parties concerned. It hoped that the international community would cooperate to bring an immediate end to the hostilities, allowing for national reconciliation and the restoration of peace and security in Rwanda.

81. Mr. GOONETILLEKE (Sri Lanka) said that his country had supported the convening of the special session in view of the tragic developments in Rwanda and had wished to be guided by the consultations conducted by the African Group in the joint endeavour to address the situation in Rwanda. While joining the consensus in solidarity with the people of Rwanda, his delegation had regrettably not been able to co-sponsor the draft resolution on account of its shortcomings on three main issues: humanitarian assistance, a cease-fire

or cessation of hostilities, and the recommencement of political negotiations through the Arusha process. No appeal had been made for the international community to increase its humanitarian assistance to Rwanda, the appropriateness of appointing a special rapporteur to carry out the functions described in operative paragraph 18 was open to question, and in paragraph 23 he would have preferred to replace the wording "a team of human rights field officers" by the words "competent staff". Notwithstanding those shortcomings, his delegation sincerely hoped that the Commission's action would help to bring some measure of relief to the people of Rwanda.

82. The CHAIRMAN announced that the Commission had concluded its consideration of agenda item 3.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE THIRD SPECIAL SESSION (agenda item 4) (E/CN.4/S-3/L.1)

83. Mr. NGOUBEYOU (Cameroon), Rapporteur, said that the draft report of the third special session (E/CN.4/S-3/L.1) was for the time being incomplete. The finalized report, containing the resolution just adopted and a procedural summary, would be issued shortly after the end of the session.

CLOSURE OF THE SESSION

84. The CHAIRMAN said that he had been impressed by the way in which the Commission had conducted its work over the previous two days. It had given a very strong signal to those who committed human rights violations in Rwanda that the international community would not tolerate such horrendous acts. Furthermore, the Commission's message went beyond the borders of Rwanda, indicating that if necessary massive human rights violations would be addressed by the Commission meeting in special session.

85. He wished to commend Canada for calling the special session, as well as the delegations of Cameroon and Nigeria, for their important role in drafting the resolution just adopted. He would also like to commend once again the United Nations High Commissioner for Human Rights for his report on the situation in Rwanda and the initiatives he had taken in that regard. Lastly, he wished to express his gratitude to the Secretariat staff for their contribution to the successful outcome of the session.

86. He had decided to appoint Mr. René Degni Segui as special rapporteur for the situation of human rights in Rwanda. Mr. Segui was dean of the law faculty at the University of Abidjan, Côte d'Ivoire, had extensive experience in law and was widely regarded as an expert in the field of human rights, both in government circles and in the NGO community. He was confident that Mr. Segui was the right man to produce a thorough report on the situation in Rwanda, availing himself of the services of the thematic rapporteurs in order that all aspects of human rights violations in Rwanda would be adequately covered.

87. He declared the third special session of the Commission closed.

The meeting rose at 9.20 p.m.